THE MADRAS LEGISLATIVE ASSEMBLY.

Friday, 8th January 1954.

The House met in the Assembly Chamber, Government Estate. Mount Road, at nine of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUGAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

SRI S. SWAYAMPRAKASAM :—" I rise on a point of information, Sir. From the list of questions for to-day, I find that only one question number has been put in. Is it because there are no other questions for inclusion? "

MR. SPEAKER :—" The other questions will be taken up to-morrow."

SRI S. SWAYAMPRAKASAM :—" I rise on another point of information, Sir. The numbers given to the questions are 388-A, 388-B, 388-C and so on, and it looks as if all the questions relate to the same subject. As a matter of fact, question No. 388-C relates to postwar road development scheme for Udayarpalayam taluk and it has no connexion with the subject-matter of either question No. 388-A or question No. 388-B."

MR. SPEAKER :—" I will explain. These questions were admitted as short-notice questions and so they were given A, B, C numbers."

Tube Wells Scheme for South Arcot district.

* 388-A *Q.*—SRI K. ARANGANATHAN : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) whether the water that comes out of the wells sunk under the 101 tube wells scheme in South Arcot district contains alkaline elements; and

(*b*) whether the Government have examined the question whether this water has any bad effect on wet (nanja) lands in this area?

THE HON. SRI M. BHAKTAVATSALAM :—" (*a*) Yes.

" (*b*) The water has no bad effect whatsoever on the wet lands in the area."

SRI K. ARANGANATHAN :—" ஊற்றுக்கிணறுகளிலிருந்து வரக் கூடிய தண்ணீரில் உவர்ப்பு சக்தி இருப்பதால் அந்தத் தண்ணீர் தங்குகிற இடங்களிலெல்லாம் அந்த உவர்ப்பு சக்தியினால் வேர்கள் கெட்டுப்போய் பயிர்கள் அழிந்து விடுகின்றன. அது நாங்கள் கண்ட அனுபவம். அரசாங்கம் இல்லை யென்றால் காரணம் என்னவென்று கெமிகல் அனலைஸ் செய்து பார்த்தீர்களா ? "

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THE HON. SRI M. BHAKTAVATSALAM :—" Yes, Sir, the Government Agricultural Chemist thoroughly examined the water and submitted a report. He has reported after an analysis of 67 water samples, that the total solids content of the water flowing from the artesian bore wells sunk at Government cost in the South Arcot district ranges from 20 to 80 parts over 1,00,000. The alkaline elements present in the water are mainly in the form of calcium and magnesium bicarbonates. The water generally shows a low chloride content. The sulphates are contained partly as magnesium sulphate and partly as sodium sulphate. However, divalent ions (calcium and magnesium) predominate over the monovalent ions and this is a very favourable feature. The water is deemed suitable for irrigation. Although the water as it comes out from the wells exhibits smell of hydrogen sulphide and taste of rusted iron, it becomes suitable for irrigation purposes after aeration."

SRI S. DEIVASIGAMANY :—" Has this water any bad effect on cattle and human beings? "

THE HON. SRI M. BHAKTAVATSALAM :—" I have no information."

SRI K. PARTHASARATHY :—" Is it not a fact that because of the availability of water throughout the year, the ryots cultivate paddy or other crops throughout the year and as a result of this and as a result of the ryots not using fertilizers, the soil becomes poor? "

MR. SPEAKER :—" The hon. Member is giving information."

THE HON. SRI M. BHAKTAVATSALAM :—" I would like to examine that aspect of the question."

SRI K. VINAYAKAM :—" In the course of the answer, the Hon. Minister said that the alkaline content of the water did not have any bad effect on crops. Has any research been made whether the grains produce any bad effect on the human beings who consume them? "

THE HON. SRI M. BHAKTAVATSALAM :—" If the consumers of the rice or other grains convey to me their experiences, I will have the matter examined by experts."

SRI K. PARTHASARATHY :—" Since the 101 artesian wells are in a compact block and adjacent to the Community Project area, will the Government consider the inclusion of this block within the Community Project area, so that the ryots there may have the benefit of getting and using fertilizers on a large scale? "

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Number of murder cases within the limits of the Vaithiri Police station.

* 388-B *Q.*—SRI K. P. GOPALAN: Will the Hon. the Minister for Finance be pleased to state—

(*a*) how many murder cases took place within the Vaithiri Police station limits, Wynaad, Malabar, during the years 1951 to 1953; and

(*b*) in how many of them the culprits were detected and in how many undetected?

THE HON. SRI C. SUBRAMANIAM:—" (*a*) & (*b*) Two murder cases were reported within the Vaithiri Police station limits during the period from 1951 to end of September 1953. In both cases the culprits were detected."

Postwar road development scheme for Udayarpalayam taluk.

* 388-C *Q.*—SRI K. R. VISWANATHAN: Will the Hon. the Minister for Local Administration be pleased to state—

(*a*) the number and the names of new road works proposed to be undertaken under the postwar road development scheme in Jayankondan Constituency, Udayarpalayam taluk in the five years period 1953–58; and

(*b*) whether the selection of these works is done in consultation with the President, District Board, or the member of the Assembly?

THE HON. SRI K. RAJARAM:—" (*a*) The first five-year plan of road development included in the National Five-Year Plan commenced with the year 1951–52 and will end in 1955–56. A statement * specifying the road works included in the Five-Year Plan is placed on the table of the House.

" (*b*) Works are included in the programme and taken up for execution with reference to needs. Selections are to be made by the district boards on this basis."

Issue of licences for stake-nets.

* 388-D *Q.*—SRI M. CHADAYAN: Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) how many licences were issued for holding stake-nets in Chirakkal taluk;

(*b*) how many such licences were given to Harijans;

(*c*) why a number of licences were given to one and the same person when there were petitions from others also for licences for stake-nets; and

(*d*) whether it is a fact that some of these licences were given for rent by those who had obtained such licences?

* Printed as Appendix I on page 479 infra.

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THE HON. SRI M. BHAKTAVATSALAM :—" (*a*) Six hundred and fourteen licences were issued for holding stake-nets in Chirakkal taluk.

" (*b*) None, as Harijans in Chirakkal taluk are not engaged in fishing.

" (*c*) The number of licences issued to each applicant corresponds to the number of stake-nets held by such applicant at the time of introduction of the licensing scheme.

" (*d*) Specific instances were not brought to the notice of the Government. But on general representations received, the Government have since issued comprehensive rules prohibiting the leasing or renting of the licences."

SRI S. DEIVASIGAMANY :—" Is there any licence fee and if there is, may I know what the amount is? "

THE HON. SRI M. BHAKTAVATSALAM :—" I would like to have notice, Sir."

SRI M. CHADAYAN :—" സർ, പ്രവൃത്തി അറിയുന്ന അൽക്കു് നിങ്ങ് പക്ക നിലയിൽ ലൈസൻസ് ഡ്തരണം ചെയ്യാൻ ഫിഷറീസ് ഡിപ്പാർട്ടുമെൻറ് ഉദ്യോ സ്ഥന്മാർക്ക കല്പന നൽകുമോ ? മലബാറിലെ ഹരിജനങ്ങൾക്കു് ലൈസൻസ് കിട്ടിയി ല്ലെന്ന ആക്ഷേപം ശവർന്മേണ്ടിന്നു കിട്ടിയിട്ടുണ്ടോ ? കിട്ടീട്ടുണ്ടെങ്കിൽ അതിനെപ്പറ്റി ശവർന്മേണ്ടു് എന്തു നടപടി എടുത്തുവെന്നു ദയവുചെയ്തു മറുപടി പറയുമോ ? "

THE HON. SRI M. BHAKTAVATSALAM :—" If Harijans apply for licences, then they can be considered."

SRI T. C. NARAYANAN NAMBIAR :—" Are the Government aware that one Karunan and other Harijans of Cherukunnu village in Chirakkal taluk, the place from which the hon. Member Sri M. Chadayan comes, applied for licences three times and that they were refused by the department concerned? Will the Hon. Minister be pleased to consider their appeal? "

THE HON. SRI M. BHAKTAVATSALAM :—" I have no information about that matter. If the hon. Member will write to me, I will have it examined. For the benefit of the hon. Member, I will read the rules which were issued in December 1953 :—

(1) No person can get licences for more than four nets;

(2) Poorer people will have preference over others; and persons having Rs. 900 per annum from sources other than fishing will not be eligible for licence;

(3) In the case of the death of the licensee, it may be granted to his son or to his widow as the case may be; and

(4) The licence will be liable to cancellation if the licensee transfers it or leases it to any other or habitually does fishing *in absentia* or otherwise misuses the licence."

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SRI V. R. KRISHNA AYYAR :—" Are the Government aware that the rule against sub-letting is circumvented by allowing somebody else to carry on and taking the profit illicitly? Would the Government take effective measures to stop this kind of racketing? " 9-10 a.m.

THE HON SRI M. BHAKTAVATSALAM :—" I would like the hon. Member to take some more interest and give me specific instances so that I may take necessary action."

SRI T. C. NARAYANAN NAMBIAR :—" The cases that I referred to were strictly within the ambit of the rules. Moreover, as a matter of explanation, I may say that I myself drew the attention of the Fisheries Inspector concerned to this matter and in spite of that, these people were refused licences because it is alleged that others were prepared to give some money."

THE HON. SRI C. RAJAGOPALACHARI :—" It is very wrong to say that others were prepared to give some money and all that. Very probably, the man's ire was roused by too much interference from Members."

SRI V. R. KRISHNA AYYAR :—" Would the Hon. Minister be pleased to enquire into the matter represented by the Dharmatam Society who complained that there was sub-letting by another society to a man from Travancore or so, who was not a member of the fisherman community and that it was deriving illegal profit thereby? "

THE HON. SRI M. BHAKTAVATSALAM :—" I would like the hon. Member to write to me about this. Then I shall have it examined."

SRI K. P. GOPALAN :—" In Chirakkal taluk, North Malabar, I know that there are persons who are having more than twelve licences for stake-nets. Will the Government be pleased to inquire into the matter and issue orders that a single individual should hold licence for four nets only according to the rule? "

THE HON. SRI M. BHAKTAVATSALAM :—" I said that rules were framed only in December last. All these will be restricted under the rules."

Classification of prisoners in jails.

* 388-E *Q.*—SRI K. MADHAVAN NAMBIAR : Will the Hon. the Minister for Law be pleased to state whether class I and II systems in jails has been abolished and class A, B and C system has been introduced as before and if so, for what reasons?

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Yes. The class I and class II system was unsatisfactory. The classification of A, B and C is considered more satisfactory and just both to the prisoner and to society. The old classification ignored the nature of and gravity of the crime of

which the prisoners were convicted. The present classification takes this element as well as social standing and mode of life into consideration."

SRI K. MADHAVAN NAMBIAR :—" ഇതു ബ്രിട്ടീക്ക് പാരമ്പര്യം തുടരുകയല്ലേ, സാർ ? "

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" This is only to see that justice is done to the prisoner as well as to society."

SRI M. NARAYANA KURUP :—" Will the Hon. Minister explain a little more the expression social standing and mode of life."

THE HON. SRI C. RAJAGOPALACHARI :—" It is a very difficult thing to answer such a question. I can give an illustration only. Suppose a Member of Parliament or a Member of the Legislature commits an offence. His standing is different from that of a habitual offender."

Grant of a portion of land revenue to panchayat boards.

* 388-F *Q.*—SRI K. MADHAVAN NAMBIAR : Will the Hon. the Minister for Local Administration be pleased to state what portion of the land revenue was given to the panchayat boards in the State prior to the passing of the Village Panchayat Act?

THE HON. SRI K. RAJARAM :—" No portion of land revenue was given to panchayats prior to the passing of the Madras Village Panchayats Act, 1950."

SRI K. MADHAVAN NAMBIAR :—" പുതിയ പഞ്ചായത്തു ബോഡുകളിൽ നിന്ന് ഇതിനെ സംബന്ധിച്ചു് ഗവർമ്മെണ്ടിനു് എന്തെങ്കിലും നിവേദനം കിട്ടിയിട്ടുണ്ടോ ? "

THE HON. SRI K. RAJARAM :—" Yes, Sir. So many representations have been made by panchayats for getting 12½ per cent of the land revenue collections from the Government."

Scale of pay of Hindustani teachers.

* 388-G *Q.*—SRI T. C. NARAYANAN NAMBIAR : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether Hindustani teachers, who have successfully undergone " Pandits Training " in any approved institution, are exempted from holding Pracharak Diploma; and

(*b*) whether such instructors are eligible for I grade scale of pay?

THE HON. SRI C. SUBRAMANIAM :—" (*a*) Yes, Sir.

" (*b*) Such Instructors, if they have the necessary language and general educational qualifications are eligible for the Grade I scale of pay provided that they have work for not less than 17 hours in the higher forms of High schools."

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SRI T. C. NARAYANAN NAMBIAR :— ' Are the Government aware that teachers who have passed the Pandit's Training Examination of the Madras University are not placed in Grade I in spite of a request to the Director of Public Instruction, Madras, in that regard? Will the Government be pleased to inquire into the matter and see that justice is done according to the Government Order? ''

THE HON. SRI C. SUBRAMANIAM :—'' If the hon. Member is referring to a specific case, he may kindly write to me about it.''

SRI K. VINAYAKAM :—'' Arising out of the answer given by the Hon. Minister, if local boards come forward to place those who are qualified having undergone the Pandit's training, under Grade I, as long as their finances permit, will the Government be pleased to accord them sanction? For instance, the Corporation of Madras was approaching the Government of Madras for such sanction. Will the Government take a generous view of the matter and accord sanction? ''

THE HON. SRI C. SUBRAMANIAM :—'' There is no question of generosity involved here. We have framed certain rules. If they come within the scope of the rules, certainly they will be permitted. If they do not fall within the scope of the rules, simply because a local body makes a recommendation. it would not be possible to accept it.''

SRI K. VINAYAKAM :—'' I will make my question clearer, Sir. The Government have been refusing sanction on the pretext that if they accord sanction to the Corporation of Madras. whose finances are a bit in a better condition. the other local bodies like district boards and municipalities will also clamour for it though their financial position would not give room for such a contingency. The Corporation of Madras comes within the scope of the rules framed by the Government. But still, in order to have a uniform policy, the Government refused sanction to the Corporation of Madras. Will, at least in this particular instance, the Government be generous? ''

THE HON. SRI C. SUBRAMANIAM :—'' In spite of the long speech, the question has not been made quite clear. He may discuss it personally with me and I am prepared to go into that question.''

Release of Communist prisoners.

* 388-H *Q.*—SRI T. C. NARAYANAN NAMBIAR : Will the Hon. the Minister for Law be pleased to state—

(*a*) whether the Government received a mass petition signed by 11,700 persons of the Chirakkal taluk in the last week of November 1953, praying for the release of the Communist prisoners in the Central Jail, Cannanore, and if so, the action taken by the Government thereon; and

(*b*) whether these prisoners are ill?

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" (*a*) Yes, Sir. The Government received such a petition signed by a large number of people.

" The Government did not, however, consider it proper to comply with the request contained in the petition, as the offences involved a bad type of murder and the period of imprisonment suffered so far is relatively brief.

" (*b*) The latest medical report about the convicts shows that their general health is quite satisfactory."

SRI T. C. NARAYANAN NAMBIAR :—" Are the Government aware that these two prisoners were convicted in 1949–50 when they were not given facilities to defend themselves and that the accused in the same case tried after 1951 were acquitted because they had facilities to argue their case? In view of these facts, will the Government be pleased to consider the question favourably? "

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" The question of acquittal depends upon the evidence available in respect of each of the accused. As far as the persons now convicted are concerned, there was sufficient evidence and they were convicted on the basis of the evidence available. As regards the first part of the question, I am not prepared to accept it."

SRI C. KANDASAMY :—" அந்தப் பிரதேசத்தில் வசிக்கும் மக்கள் 12 ஆயிரம் பேர்கள் குற்றங்களின் தன்மையை புரிந்திருந்தும்கூட அவர்களை விடுதலை செய்யவேண்டும் என்று கூறியும் அரசாங்கம் இவர்களுடைய அபிலாஷையை கணக்கில் எடுத்துக்கொண்டு அதை கவனிக்குமா ? "

THE HON. SRI C. RAJAGOPALACHARI :—" We cannot dispose of questions of criminal justice by mass petitions. Mass petitions to-day can easily be got signed."

SRI S. RAMALINGAM :—" அவர்களை விடுதலை செய்வதற்கு சர்க்கார் இறுதி யோசனை செய்யும் வரைக்கும் கைதிகளுக்கு வசதி செய்துகொடுப்பதற்கு சர்க்கார் யோசனை செய்யுமா ? "

THE HON. SRI C. RAJAGOPALACHARI :—" We cannot coddle prisoners convicted of criminal offences by courts."

Separation of the Judiciary from the Executive.

9-20 a.m. * 388-I *Q.*—SRI V. GOPALA GOUNDAR : Will the Hon. the Minister for Law be pleased to state—

(*a*) whether the Government have received any memorandum of objections from the Madras State Bar Federation to the report on the working of the Scheme of Separation of the Judiciary from the Executive; and

(*b*) if so, what action has so far been taken thereon?

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" (*a*) & (*b*) Yes. The attention of the hon. Member is invited to the answer given on the floor of the House to the starred

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question No. 1153 by the hon. Member Sri V. R. Krishna Ayyar answered on 25th July 1953. The matter is under the consideration of Government."

SRI V. GOPALA GOUNDER :—" Is it a fact that the members of the Bar Federation waited in deputation on the Hon. Minister and raised various objections and if so, may I know what action has been taken by Government on those objections? "

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" They sent a representation and they also saw me. They made reference to very many items. I can mention one or two major items referred to by them. One of them was in respect of recruitment of District Magistrates, the other was against some remarks made by the Committee with regard to the functions of District Magistrates and another was in respect of recruitment to all cadres. Such administrative matters have been raised by them and the Government are considering those representations."

SRI S. DEIVASIGAMANY :—" When did the Government receive the Committee's report, I mean Justice Rajagopalan Committee's report? "

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" I am not able to say the month or date. We got it in 1953."

SRI V. BALAKRISHNAN :—" May I know what percentage of appointments under this scheme the Federation wants for its members? "

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" That does not arise. They only want that direct recruitment from among the lawyers must be resorted to."

SRI V. R. KRISHNA AYYAR :—" The Hon. Minister for Law was pleased to say that the Federation sent a representation and he also saw them. I presume they met him also. May I know whether they raised any objection to the Indian Administrative Service personnel being appointed to the Judiciary? "

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Regarding the first part of the question, they have to see me when they meet me. I do not think there is any difference as to that. Regarding the consideration of their recommendations and suggestions, the Government have to examine them in connexion with all the items covered by the report of the Committee."

SRI M. NARAYANA KURUP :—" Is it not a fact that the Bar Federation was allowed opportunities to tender its views before the Committee which went into the question? "

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" If a separate question is put, I will be able to answer."

SRI V. GOPALA GOUNDER :—" May I know whether the attention of the Government was drawn particularly to the recruitment of District Munsifs? "

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" All aspects of recruitment were brought to my notice and adverted to in detail."

Supply of bad quality rice in Palghat taluk.

* 388-J *Q.*—SRI R. KRISHNAN : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether the Government have received any complaints from the consumers and producers-*cum*-consumers co-operative societies of Palghat taluk about the bad quality of rice supplied for distribution through ration shops; and

(*b*) if the answer is in the affirmative, what action the Government have taken on those complaints?

THE HON. SRI C. SUBRAMANIAM :—" (*a*) & (*b*) The answer is in the negative. A representation was, however, received from 'the Palghat Chamber of Commerce' complaining about the bad quality of rice supplied in the ration shops in Palghat and it was enquired into. The enquiry revealed that the rice under reference was received from Tadepalligudem and that it was *red* in appearance as it was not polished. It was neither weevilled nor in any way infested. It was also found that the rice when cooked did not give any bad smell as in the case of bad rice. As it was in good condition and as it did not contain any dirt particles or dust, the District Supply Officer, Kozhikode, did not withdraw the rice from the ration shops. The Government agreed with the District Supply Officer's report which was endorsed by the Board of Revenue (Civil Supplies) and dropped the matter."

SRI R. KRISHNAN :—" ഈ അരി പാകം ചെയ്യാൽ കഴമ്പുപോലെയാണിരിക്കുന്നത്. അതുകൊണ്ട് അതു ആരും വാങ്ങാതെ ഡിപ്പോകളിൽ കുടിക്കിടക്കുകയാണ്. അതു തിരിയെ എടുക്കാൻ ഗവർമ്മേണ്ടിന് ഭയമുണ്ടാകുമോ ? അരിയുടെ സാമ്പിൾ എന്റെ കൈവശമുണ്ട്. ബഹുമാനപ്പെട്ട മന്ത്രിക്ക് പരിശോധിക്കാം."

THE HON. SRI C. SUBRAMANIAM :—" These samples are very easily obtained. I do not know wherefrom they are obtained. I understand the same sample is shown everywhere. Apart from that, the main objection was about the colour of the rice. I do agree that red has to be avoided either in politics or in rice quality. (Laughter.) I have been of late receiving complaints that there is a certain amount of small quantity of bad rice going about everywhere. That is being taken advantage of for making complaints everywhere that the rice supplied is very bad. I am looking into this matter and I have already issued specific instructions that the matter should be looked into immediately and when-

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ever or wherever there was any old stock, it should be disposed of one way or the other so that the standing complaint may not be made by hon. Members and by members of the public."

SRI K. C. GOPALAN UNNI :—" I have before me copies of letters and resolutions sent by the Palghat Producer-*cum*-Consumers Co-operative Society to the District Supply Officer and to the Collector of Malabar regarding the bad quality of rice. I have also got a copy of the telegrams sent by them. The Minister now says that the Government have not received any complaint except from the Palghat Chamber of Commerce. I want to know wnether the complaints sent to the Collector of Malabar and the District Supply Officer were not forwarded to the Government and whether the Government have not looked into those complaints? "

THE HON. SRI C. SUBRAMANIAM :—" The specific question was, whether the Government have received any complaints. I said I have not received any complaint. When complaints are made to the District Collector or the District Supplies Officer, they are also promptly looked into. As a matter of fact, it is not necessary for them to send those complaints to the Government. In fact, when these complaints or representations are made to the local officers, they will be looked into more promptly. As I have already informed the House, specific instructions have been issued by me that this matter should be immediately looked into and wherever there were old stocks, they should be disposed of immediately."

SRI K. C. GOPALAN UNNI :—" വടക്കെ മലബാറിൽ കതിരൂർ പി. സി. സി. സൊസൈറ്റിയിൽ അല്പം ജനങ്ങൾ വാങ്ങുതിരുന്ന അരി വീണ്ടും വാങ്ങാൻ നിർബ്ബന്ധിക്കുകയും അതിലേക്ക് ഉത്തരവു പുറപ്പെടുവിക്കുകയും ചെയ്തിട്ടുള്ളതായി അറിയുന്നു. അതിനെ തടയുവാൻ സർക്കാർ നടപടി എടുക്കുമോ ? "

THE HON. SRI C. SUBRAMANIAM :—" I am sorry I am unable to follow this brand of Malayalam."

SRI K. MADHAVAN NAMBIAR :—" മൂന്നുമാസത്തിലധികം സ്റ്റാക്കിലിരിക്കുന്ന അരിയുടെ പോഷകാംശം കുറഞ്ഞുപോകുമെന്നാണ് പറയുന്നത്. ദയവുചെയ്ത് മൂന്നുമാസത്തിലധികം സ്റ്റാക്കിലിരുന്ന അരി വിതരണം ചെയ്യാതിരിക്കുവാൻ സർക്കാർ ഉത്തരവു പുറപ്പെടുവിക്കുമോ ? "

SRI V. R. KRISHNA AYYAR :—" I am translating the question put by hon. Member Sri Madhavan Nambiar without prejudice to my right to put a supplementary question on the same subject on my own behalf. (Laughter.) This is what the hon. Member wants to know : In view of the fact that at the end of three months, the nutritive value of rice would considerably deteriorate, will the Government give instructions to the concerned authorities that stocks which are more than three months' old should not be allowed to be sold through ration shops? "

THE HON. SRI C. SUBRAMANIAM :—" I do not concede the point made by the hon. Member that the nutritive value of three months' old rice will diminish or deteriorate. I know after a certain period, not after three months, but after five or six months, deterioration sets in in the quality of

rice. That is why I have issued instructions to the authorities to see that these stocks are disposed of as early as possible. Whenever we import rice from outside, especially from the Andhra area, there is likely to be trouble. If the people of Malabar locally produce the rice that they require, they need not have to depend upon such Andhra rice."

SRI V. R. KRISHNA AYYAR :—" Is the Hon. Minister aware of the fact that on account of deficiencies in the nutritive standards of the foodgrains supplied to the people of Malabar, dysentery, cholera and other diseases have become widespread . . ? "

THE HON. SRI C. RAJAGOPALACHARI :—" I shall get the Health department to give a comparative list of cholera cases throughout the State. It will be seen that the claims of Malabar in this regard are not as correct as they appear to be."

SRI V. R. KRISHNA AYYAR :—" It only means that the Government are neglecting other districts also. (Laughter.)

" My point is that in view of the malnutrition or I should say in view of the fact that the Government have thrust upon the people of Malabar as a New Year gift this atrociously inferior and unwholesome rice, a sample of which I showed to the Hon. Minister yesterday, the people are attacked by ever so many diseases. Will the Government come forward to help these people from out of their difficulties in this regard? "

THE HON. SRI C. RAJAGOPALACHARI :—" Sir, with your permission let me try to tell hon. Members some science. The more nutritious a grain is, the more easily will it get deteriorated. It is a fact therefore that in the unpolished rice which has vitamins more weevils are attracted. We should not confuse the question of nutrition with the question of deterioration. The more nutritious an article is the more liable it is for early deterioration. Non-nutritious stuff can be preserved for a long time."

9-30 a.m. SRI S. C. C. ANTHONY PILLAI :—" The Hon. the Minister for Food said that he had issued instructions that this bad quality rice should be disposed of one way or the other. This answer is very vague. We would like to know whether these instructions mean that the authorities concerned should compel the people to take this rice or it should be disposed of in any other manner."

THE HON. SRI C. RAJAGOPALACHARI :—" We are even prepared to put the rice in the manure pit."

SRI V. R. KRISHNA AYYAR :—" The fact of the matter is that the Hon. the Minister is under a colour complex and so he says that it is merely red. Apart from that, the rice that is supplied is very unwholesome and infested and so bad that it is uneatable. Of course, the Chief Minister might say that if it is so bad people would not buy it. But I say that the people are so

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abjectly poor that they cannot buy rice in the free market and so resort to fair price shops. Therefore, may I request the Hon. the Minister for Food to issue immediate instructions to stop issue of such rice which is not rice but an invitation to diseases?"

THE HON. SRI C. RAJAGOPALACHARI :—"I was making the remark that if the sample shown to us was the kind of rice supplied to people all over, in Malabar, then no human being would take it and that there would be no demand in the fair price shops for more quantities of rice. It is not always that the sample produced is the correct sample. People choose samples."

SRI S. RAMALINGAM :—"இந்தமாதிரி கெடுதலான அரிசியை மலபாருக்கு சப்ளை செய்தால் அங்குள்ளவர்கள் ரேஷன் வேண்டாம் என்று கூறுவதற்காகவா?"

THE HON. SRI C. RAJAGOPALACHARI :—"It is in order to increase production of rice." (Laughter.)

SRI K. VINAYAKAM :—"In view of the fact that the existing stocks of rice in Malabar are not consumable according to the allegations made in the House and in view of the fact that these stocks were imported from the Andhra area, will the Government take precautions at least in future—because we are going to import some thousands of tons of rice from Andhra—to see that they import the right type of rice and avoid the mistake of importing bad rice at least in the interests of avoiding a volley of questions in the Assembly on the subject?"

THE HON. SRI C. RAJAGOPALACHARI :—"I would ask the hon. Member not to be the sole repository of anti-Andhra feeling." (Laughter.)

SRI A. APPU :—"For a long time we have been getting bad rice from outside the State, from places like Orissa, Siam, etc. Will the Government be pleased to change the sources of supply to places wherefrom we can get good rice?"

THE HON. SRI C. SUBRAMANIAM :—"We shall consider the suggestion but we have to take into account the cost also."

SRI T. C. NARAYANAN NAMBIAR :—"The Hon. the Chief Minister and the Hon. the Minister for Food were saying that by looking at the sample one could not conclude that the quality was bad. The implication is that they are questioning the *bona fides* of Members who have brought samples. Will the Food Minister issue instructions to the various P.C.C. societies through which rice is supplied to the people of Malabar to send samples of rice available for distribution this week to him so that he may be convinced that this rice is not eatable?"

THE HON. SRI C. SUBRAMANIAM :—"We have made arrangements for samples of rice from various centres to be sent to Government every month. We scrutinize the samples and if there is anything bad with them, we immediately issue

instructions to the authorities to stop supply of this rice. This has been done for a long time and in spite of that there are a few cases of supply of bad quality rice and I do not know where the fault lies. That is why I asked the department yesterday to look into the matter after representations had been made in that behalf by certain hon. Members in this House."

SRI S. PANCHAKSHARAM :—" Can these complaints be put an end to if the zones are abolished? "

THE HON. SRI C. SUBRAMANIAM :—" The zonal system has nothing to do with this because this is with reference to supply of rice at controlled price through Government agency. That is not going to alter the pattern in any way."

UNSTARRED QUESTIONS.

Improvement of minor ports.

35 *Q.*—SRI A. RATNAM : Will the Hon. the Minister for Public Works be pleased to state—

(*a*) whether the State Government applied to the Government of India to advance a loan towards the improvement and repairs of the minor ports in our State;

(*b*) what are the ports to be improved and repaired;

(*c*) what is the estimated cost of improvements and repairs to each of the ports; and

(*d*) what is the amount sanctioned by the Government of India to the State Government and the interest charged per annum?

A.—(*a*) Yes.

(*b*) & (*c*)—

	Original estimate.	Revised estimate.
	RS.	RS.
Cuddalore	1,19,000	1,19,000
Nagapattinam	2,54,200	2,54,200
Kozhikode	3,65,000	3,18,000
Mangalore	3,30,000	3,30,000
Tuticorin	9,70,000	9,70,000
Total ..	20,38,200	19,91,200

(*d*) Against a total estimated cost of Rs. 24,78,200 for 23 schemes (19 in Madras State and 4 in Andhra State), the ceiling limit of central assistance by way of loan has been fixed at Rs. 10·39 lakhs. The total cost of the 19 schemes in the Madras State is estimated at Rs. 20,38,200 (subsequently revised to Rs. 19,91,200).

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The ceiling limit of central assistance for Madras State schemes has not been fixed separately. The loan will approximately be equal to half the total cost of the schemes. The loan to be granted by the Centre will have to be repaid in 30 years, the first 12 years of which will be free of interest charges and from the 13th year the loan will carry interest at 4½ per cent and it will have to be repaid in 18 equalled instalments of principal plus interest.

Number of applications and appeals filed under the Tanjore Tenants and Pannaiyal Protection Act.

36 *Q.*—SRI C. KANDASAMY: Will the Hon. the Minister for Land Revenue be pleased to state—

(*a*) how many disputes have been entertained by the various conciliation officers appointed under the Tanjore Tenants and Pannaiyal Protection Act, from the date of enforcement of the same Act, talukwar;

(*b*) how many disputes have been filed by tenants and pannaiyals and how many by landowners, talukwar, to the conciliation officers;

(*c*) how many disputes have been settled in favour of tenants and pannaiyals and how many disputes have been settled in favour of landowners, talukwar, by the conciliation officers;

(*d*) how many appeals were received so far by the Revenue Courts from the date of enforcement of the Act, talukwar;

(*e*) how many appeals were made by tenants and pannaiyals and how many by landowners, talukwar, to the Revenue Court; and

(*f*) how many appeals have been disposed of in favour of tenants and pannaiyals and how many in favour of landowners, talukwar, by the Revenue Court?

A.—(*a*) *to* (*f*) The answer [a] is laid on the table of the House.

Ration shops in the South Arcot district.

37 *Q.*—SRI K. ARANGANATHAN: Will the Hon. the Minister for Finance be pleased to state the number of ration shops, fair price shops and relief shops that were or are existing in South Arcot district from 1942 up to 31st October 1953, how many of them are working now, what is the total deposit made by them and the total amount refunded up to 31st October 1953?

A.—The information required by the hon. Member is furnished in the statement [b] placed on the table of the House.

[a] Printed as Appendix II on page 480 infra.

[b] Printed as Appendix III on pages 481-482 infra.

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Recruitment to Indian Police Service.

38 *Q.*—SRI V. BALAKRISHNAN : Will the Hon. the Chief Minister be pleased to state—

(*a*) the number of Indian Police Service Officials in the employment of Madras State;

(*b*) the terms and conditions of their recruitment to the State Service;

(*c*) how many of the Indian Police Service Cadre have superseded employees in the Madras Police Service Cadre; and

(*d*) how many of the Madras Police Service Cadre have superseded employees in the Indian Police Service Cadre?

A.—(*a*) Thirty-five.

(*b*) Recruitment to the Indian Police Service which is an All-India Service is made under rules framed by the Government of India for the purpose. Candidates are selected on the results of a competitive examination and allotted for service in the States, according to the requirements of each State.

(*c*) & (*d*) The Indian Police Service and the Madras Police Service Cadres are two separate and distinct cadres and there is no common seniority list between the officers borne on the two cadres. The question of Indian Police Service Cadre Officers superseding the Madras Police Service Cadre Officers or *vice versa* does not therefore arise.

Twenty-five per cent of the senior duty posts borne on the Indian Police Service Cadre of the State is reserved for promotion of State Police Service Officers and if at any time for reasons of administrative necessity the number of State Police Service Officers officiating in senior posts exceeds the promotion quota, the reasons for it are furnished to the Government of India.

Number of surcharges and certificates issued regarding expenditure incurred by local bodies.

39 *Q.*—SRI K. ARANGANATHAN : Will the Hon. the Minister for Local Administration be pleased to state the total number of surcharges and certificates issued regarding expenditure incurred by local bodies during the year 1952–53 in the Madras State and the amount involved?

A.—The total number of surcharges and certificates issued during 1952–53 was four involving an amount of Rs. 1,383–3–1.

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[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—BUSINESS OF THE HOUSE—DISCUSSION *re*

* SRI S. SWAYAMPRAKASAM :—" On a point of order, Sir. You were pleased to say that some more questions were ready to be answered. You are the custodian of the rights and privileges of Members of this House. More than once, the Hon. the Chief Minister himself has said that the question hour is very important and very useful because it affords an occasion for hon. Members to be active also. Nobody doubts the capacity of the hon. Speaker to put sufficient number of questions to cover a period of one hour and as such, I would like to know why only such a small number of questions has been put down for the day."

MR. SPEAKER :—" I have got thirty more questions ready to be answered. But I am under the impression that we may sit till Sunday. It is for this reason that I thought that I could distribute them equally on all days—to-day, to-morrow and the day after."

* SRI S. DEIVASIGAMANY :—" Now that you have said ' till Sunday ' I would like to know, Sir, how long the present sitting will last because Pongal is fast approaching and we would like to leave Madras shortly."

THE HON. SRI C. RAJAGOPALACHARI :—" That is why I am hustling everybody."

SRI K. ARANGANATHAN :—" *பருலேகர் கமிட்டியின் அறிக்கை ஒரு நாள் இந்த சபையில் விவாதத்திற்கு எடுத்துக்கொள்ளப்படும் என்று சொல்லப்பட்டது. ஆனல் நிகழ்ச்சி நிரலைப்பார்த்தால் எமாற்றம் அடைவ தாக இருக்குமோ என்று பயம் ஏற்பட்டிருக்கிறது. பருலோகர் கமிட்டி யின் அறிக்கை எப்பொழுது விவாதத்திற்கு எடுத்துக்கொள்ளப்படும் ?* "

* THE HON. SRI C. SUBRAMANIAM :—" It is not ' Paraloga Committee '. (Laughter.) Before I place the report before the House for discussion, it will have to be fully examined by the Department as I must give to the House full information about its implications, both financial and otherwise. Unfortunately, in spite of my trying my best to hurry with its examination and scrutiny, it has not been possible to get it completed in time. That is why I am afraid it may not be possible to place it before the House in this sitting. But my promise still stands that the Report will be placed before the House for discussion and that will be when we meet next."

MR. SPEAKER :—" Regarding the present sitting, I would like to know whether we will sit on Sunday."

* THE HON. SRI C. SUBRAMANIAM :—" It depends on whether we will finish consideration of the Malabar Tenancy Bill quickly. If it is over to-day, we can sit to-morrow for non-official business. Otherwise I am proposing that we may have afternoon sessions to-day and to-morrow so that it would be possible for us to finish voting on the Bill and disperse to-morrow itself. I hope

hon. Members will co-operate and if only they co-operate, as the Hon. the Chief Minister said in his appeal to hon. Members, it would be possible for us to disperse to-morrow evening."

* SRI S. SWAYAMPRAKASAM :—" Sir, the Leader of the House is trying to encroach upon our rights. We are taken by surprise in so many other matters. We are coming from the mufassal and we are already suffering from several handicaps. Even people residing in the hostel have their own inconveniences to suffer. We must know the business of the House beforehand so that we can adjust our other engagements. If the Leader of the House decides to have afternoon sessions, it will be a great hardship on us and will interfere with our other engagements. To suit the morning session, we have put off all our other engagements for the afternoon."

* THE HON. SRI C. RAJAGOPALACHARI :—" The Legislature must be treated as the first charge on the Member's time."

* SRI S. SWAYAMPRAKASAM :—" Yes. The House Committee has made several recommendations and the Government do not care for its proposals. They do not at all look into them so that the House Committee can be said to be not functioning at all. Taking my own case, I have not been able to get hot water for the last three days. Even a peon is not available in the hostel. With all these inconveniences, we have been putting up and here comes another suggestion to inconvenience us more. It is not fair to take us by surprise. We must know beforehand what the Government intend to do so that we may arrange our other engagements accordingly."

* THE HON. SRI C. SUBRAMANIAM :—" I am really sorry that so much inconvenience has been caused to hon. Members residing in the hostel. This has not been brought to my notice at any time. I will look into it and I agree that all conveniences should be provided to Members. I shall certainly look into the matter and if there is anything wrong I shall try to set it right.

9-40 a.m. " With regard to the complaint against sitting in the afternoons, let me say I am not myself feeling happy over it. As far as I am concerned I would like to be free in the afternoons. It is not our wish to deprive Members of the opportunity of witnessing the cricket match which has commenced to-day."

SRI S. SWAYAMPRAKASAM :—" As a matter of fact, I do not know how to play cricket nor I am interested in it."

* THE HON. SRI C. SUBRAMANIAM :—" Apart from that, we want to finish the sitting as early as possible. If we do not have afternoon sittings, we will have to sit on the 11th and 12th. But many hon. Members have definitely stated that that would cause them very great hardship inasmuch as Pongal is coming immediately afterwards. Let me tell the House that I am fully aware of the inconvenience caused to Members due to afternoon sittings. But we have to finish the business on hand. So I would

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request hon. Members to co-operate with us without minding the inconvenience caused, so that we may finish our business as early as possible."

SRI S. RAMALINGAM :—" Sir, . . ."

MR. SPEAKER :—" No, I shall now take up the next item in the Agenda."

III.—GOVERNMENT BILLS.

(1) THE SOUTH KANARA CULTIVATING TENANTS PROTECTION BILL, [a] 1954.

* SRI M. A. MANICKAVELU NAICKER :—" Mr. Speaker, Sir, I beg to introduce the South Kanara Cultivating Tenants Protection Bill, 1954, and move—

' That the Bill be taken into consideration at once.'

" Sir, for the past several months, Government have been receiving representations that the landlords in South Kanara district have been evicting cultivating tenants on an increasing scale and that the relationship between the landlords and tenants are tending to become strained. Hon. Members from South Kanara sitting behind me have also been urging the Government to take immediate action in this regard. Government have reason to believe that such evictions are being resorted to in anticipation of the fear that the Government may introduce land reforms in South Kanara. Government are of the opinion that pending comprehensive legislation the situation in South Kanara calls for immediate protective legislation so that cultivating tenants may not be needlessly disturbed. This Bill accordingly seeks to provide that, subject to payment of current rent, no cultivating tenant in South Kanara district shall be evicted from his holding for a period of one year from the date on which it comes into force. The Bill will not apply to the 33 villages of Kasargod taluk to which the Malabar Tenancy Act, 1929, applies, as conditions there are different and sufficient protection against eviction already exists there. I request the House to give permission for moving this motion of mine."

MR. SPEAKER :—" Motion moved—

' That the South Kanara Cultivating Tenants Protection Bill, 1954, be taken into consideration at once.' "

* SRI L. C. PAIS :—" Mr. Speaker, this Government and especially the Hon. Chief Minister deserve to be congratulated on the manner in which they have been trying to help the cultivating tenants of South Kanara, and on their having brought forward this legislation at the opportune moment. This House may be aware that there are three classes of tenants in South Kanara. In the first place, we have what is known as the ' Mulgeni ' or the ' permanent ' class of tenants. These tenants do not require any help

[a] Published in the *Fort St. George Gazette*, dated 2nd January 1954.

from anybody because their relationship with the landlords are regulated by written agreements which are registered. But there are two other classes of tenants who require definite help from the Government. I refer to the second class who are called ' term lease tenants ' or ' vaidegeni ' tenants. These tenants enter into agreements with landlords to carry on cultivation on some fixed terms for some fixed period. After the term is over they are liable to be evicted by the landlords at any time the landlords choose. Then there is the third class of tenants.

" They are the chalgeni tenants or ' tenants at will '. They are otherwise called ' chalgeni ' tenants. It should be remembered in this connexion that the second class of tenants are reduced practically to the status of chalgeni tenants, the moment the period of their term is over. There is no fixed agreement governing the relationship between chalgeni tenants and their landlords. These tenants enjoy fixity of tenure, terms and conditions being stipulated in printed forms. The High Court has held that the terms and conditions embodied in these printed list are valid and binding on the tenants. The result is the landlords are entitled to evict the tenant after the lapse of a year without any prior notice also. He is entitled to evict the tenant without paying a pie of compensation for any improvement the tenant might have effected on the land. I know several cases where tenants who have been in possession for a very long time (in some cases even for hundred years) have been evicted without payment of any compensation. The question may be asked why these evictions are on the increase. There is a reason behind it. Ever since the days of the Prakasam's Ministry, the Ministers in charge proclaimed that the tenants will be provided with some sort of fixity of tenure and that the fair rent would also be fixed in their case. The landlords naturally began to get panicky and began to evict tenants. In spite of many of us pressing for a tenancy legislation of some kind nothing was done. I am inclined to think that vested interests did prevail in the matter. One of the argument was put forth on behalf of Government, viz., that there was no need for it in South Kanara. This argument was met by departmental statistics called for and produced before the Assembly. The second reason adduced was that the Government cannot bring in piecemeal legislation for a particular district. We are glad that the Hon. Chief Minister has overcome all those obstacles and has brought forward a beneficial piece of legislation at the opportune moment.

" Of course the Hon. Minister for Revenue had stated that pending comprehensive legislation, this beneficial measure may be approved by the House. I welcome his statement. I shall bring to the notice of Government certain aspects concerning the tenancy in South Kanara, which I do request the Government to take notice of, so that they might incorporate what is necessary to remedy those defects in the comprehensive legislation that they might bring some time later.

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" The majority of the landlords in South Kanara are small landlords. We do not have big janmis in South Kanara as we have in Malabar. There are innumerable cases in South Kanara where tenants are in huge arrears to the extent of two or three years. The landlords are also petty landlords. When you give a fixity of tenure for the cultivating tenant (for a year now—it may be extended later on) and when the cultivating tenants get an advantage, is it not also just that the landlords should be protected? Is it not necessary that he should get back his arrears of rent, especially when he has to depend on others. I am only bringing this to the notice of Government so that it may be taken due notice of when the comprehensive legislation is drafted. The landlords should be allowed to take to personal cultivation, after paying the requisite compensation to the tenant. I would also urge whenever a tenant is evicted, the landlord should be asked to pay the necessary compensation.

" There have been tenants who have made very valuable improvements to the property during the last fifty or sixty years. To deprive them of it would be a great hardship to them. I do not want to say more, as most of my South Kanara friends would also like to have their say. I am thankful to the Hon. the Chief Minister and the Hon. the Revenue Minister for this New Year's Gift to South Kanara." 9-50 a.m.

* Sri Y. MANJAYA SHETTY :—" Mr. Speaker, Sir, in supporting the South Kanara Cultivating Tenants Protection Bill, I wish to say a few words. Let me take this opportunity to express my deep sense of gratitude to the Government for bringing this legislation to prevent the uniust eviction of tenants in South Kanara. The people of this district have been intensely feeling that in spite of their agitation nothing has been done by the Government to prevent evictions and to afford relief to the tillers of the soil, though a legislation of that sort is long overdue. What the people desire to have is a legislation which prevents uniust evictions and which assures security of tenure and fair rent. Representatives of the district have, on the floor of this House, more than once impressed upon the Government the urgent need and the imperative necessity for bringing in such a legislation. We are glad that by means of this Bill Government have met our demand half way. In this connection, I must say that our State is singularly fortunate in having a Chief Minister who can understand and appreciate human problems and difficulties. Since he assumed office, several important measures have been introduced by this Government and I must confess that the present Bill under discussion is one of such measures. Let me tell plainly, Sir, that but for the personal interest evinced by the Hon. Chief Minister after his recent tour of the district, this Bill would not have seen the light of the day so soon.

" At present, more than 1,000 eviction suits are pending in the several courts of the district. Thousands of tenants who are about

to be evicted and rendered homeless have been protected and saved by the present Bill. I must say that this is a timely measure which has conferred great benefits upon the cultivating tenants of the district. The protection granted under this Bill enables the tenants to pay more attention to cultivation operations and grow more food and thereby better their lot without any fear of being evicted by the landlords on flimsy and unreasonable grounds. But let it be understood by the Government that the tenancy problem in the district is not completely solved by this small piece of legislation. The peasants of the district want a more comprehensive legislation which could assure to them fixity of tenure and fair rent. What is wanted is a comprehensive legislation which would establish good and harmonious relationship between tenants and landlords and which would bring happiness and prosperity to the tillers of the soil. I request the Government not to lose sight of these aspects and I hope that the Government will bring forward a comprehensive tenancy legislation which will solve the problem in the district and which will render justice to all classes of people concerned. Let me thank once again this Government, the Hon. the Chief Minister and the Hon. the Revenue Minister for introducing this Bill. Thank you, Sir, for the opportunity given to me."

* SRI T. ANANTA PAI :—" Mr. Speaker, Sir, I am glad that I am following the foot-steps of two of my hon. colleagues of South Kanara. We are grateful to the Government for having brought this measure. A measure like this which brings land reforms in a district naturally bristles with great difficulties. The question of land reforms is not so easy as everyone of us seems to feel. Of course, this measure is intended to prevent unjust evictions of tenants for a period of one year and there will be sufficient time for the landlords to adjust their relationship with the tenants. Personally I feel that very comprehensive land reforms, which would not leave any uncertainty in the mind of either the tenant or the landlord, are absolutely necessary for a happy relationship between the landlord and the tenant. I feel that the only solution to the problem would be to make the tiller of the soil the owner or the landlord himself the tiller of the soil. To have two classes of people continued like this and try to regulate their relationship by a sort of legislation is like regulating the relationship between a husband and a wife by some sort of law. At one stage or other, this becomes a political game and party after party would like to take up and play the game without caring to know what happens to the country at large. Mr. Pais has already pointed out how this process of eviction began in the district. What happened was that immediately after the publication of the report of the Subramaniam Committee on land reforms, to implement which the Government did not take immediate steps, some of the landlords, taking advantage of a provision which enabled them to increase the rent, thought that they should increase the rent even before the recommendations were accepted. If the increase in rent was not

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accepted by the tenants, naturally they were asked to quit. In that way, the process of eviction began in the first stage. Then there was requisition of rice in force in the district and naturally when the tenants found that rice was selling at a higher price in the market, they were rather tempted to remit to the landlord only the stipulated price or the price fixed by the Government. But when the landlords did not accept this, the second stage of the process of eviction began. Now there has been decontrol and this objection no longer remains. But by that time the general elections took place and it had become a matter of political game. I wish, as was pointed out by the Hon. the Chief Minister yesterday, that the matter of land reforms does not become a matter for any party to take credit, because the reforms that we are introducing are of a far-reaching nature and unless sufficient time is allowed to pass, we cannot say whether the desired results have been achieved or not. The main reason why we say that the tiller of the soil must be in complete possession of the soil is that it gives him a sense of duty of creation, it is said, and the tenant is able to devote greater attention because he is entitled to a larger portion of the produce. Time alone can show whether it is so, because in the neighbouring State of Bombay where tenancy legislation has been in force, until recently, the landlord was entitled to one-third of the produce. Recently the Government brought an amendment to the tenancy legislation in Bombay to the effect that the landlord was entitled only to one-sixth of the produce and that even the assessment should be borne by him. Of course, some years have elapsed and it has not been shown that there has been a substantial increase in production from the soil as a result of this revision. Merely conferring a right on the tenant alone cannot improve matters. The tenant requires provision of capital by way of seeds, manure and implements and unless the State is prepared at the same time to bring about an agency which can provide all these in the place of the displaced landlord, it would be difficult indeed for the tenant to get any benefit out of certain rights conferred on him by legislation.

" Then the question arises what happens to the landlord if he wants to till. Are we only conferring the right of occupancy on the tenant and bringing into existence another class of people, another type of zamindari class, who have no interest in the land at all and who only own it and are entitled to the rents every year without having any responsibility to look after the land at all? A time may come when this class may become the so-called parasite class. But if, on the other hand, the absentee landlords, who require to be brought to their senses, are given a chance to go back to their soil and cultivate it themselves—there are educated young men who want to go back to the soil and that is becoming quite an interesting occupation nowadays—should we also not encourage that sort of movement when the landlords like to go back to the soil and cultivate the lands themselves? If we are interested in larger production, naturally we should give sufficient scope for

such landlords to come forward and take up cultivation. Then the question arises what is going to happen to the tenants who are displaced. That is a problem which we cannot ignore. We have sufficient lands in the district in South Kanara in the possession of Government. The Government must come forward to give such lands to the tenants who are displaced and give them the necessary resources to develop them. There are lands in the Malnad area. The Government can provide them with sufficient capital or start co-operative societies for land improvement. Co-operative farming can also be carried on in such cases.

"On the question of comprehensive land reforms, we found that there was a lot of difficulty in coming to certain conclusions. The first question is what should be the fair rent. Secondly, if the landlord wants to cultivate the land for himself, what should be the ceiling that should be fixed? Because we could not come to a satisfactory conclusion, we thought we should not try to bring comprehensive land reforms for the present. This does not mean that they will not come. They will certainly come. But in a measure like this, we cannot ignore the claims of the landlords, however bad they are supposed to be. We cannot presume that every landlord is necessarily a bad landlord. Any legislation that we pass will affect both the good landlord and the bad landlord. A bad landlord will always be trying to find out loopholes by which he will be able to circumvent the law.

10 a.m.

"Unfortunately what has happened in South Kanara is that a large number of landlords belonging to the political parties which are opposing the Congress have been going about creating trouble and asking the tenants to agitate for tenancy legislation. I was always feeling whether the landlords could not confer on their tenants the very rights, which a tenancy law would give, without a law being enacted at all. The system of land tenure prevailing in South Kanara is the mulgeni system, which is a sort of permanent tenure subject to certain conditions. Subject to an enabling legislation, I think it should have been possible for the landlords to have conferred the rights on the tenants. But they did not do it. They only wanted to create a sort of agrarian trouble by asking people to agitate for a tenancy legislation. I have received letters from many tenants of the landlords belonging to the political parties in Opposition asking me to see that they are not evicted. I have forwarded those letters to the leaders of the Praja-Socialist Party and requested them to intervene and see whether the matter could not be settled amicably. They have not intervened. Even after the publication of this Bill in the Gazette, tenants have been threatened with eviction. I have received letters which clearly show that some of the landlords have not been behaving properly. I think the one-year's time that is allowed is sufficient for them to reconsider their position and adjust themselves. This Bill provides that no cultivating tenant shall be evicted from his holding for one year if he pays the current rent.

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. The landlord cannot get back the land even if he wants it. He cannot also enhance the rent, because even if he enhances it, no tenant will pay.

" I hope and trust that the Act arising from this Bill will be the harbinger of peace so far as the landlord-tenant relationship is concerned. I do hope that the comprehensive legislation that will come up before the House will be a legislation agreed to by all the political parties. Let not the parties be wrangling here for taking political credit for this or that, because it is wrong to take political credit which may mean happiness or a store of unhappiness for the people at large."

10-05 a.m.

* SRI M. NARAYANAN NAMBIAR :— " സാർ, ഏതാണ്ട് ഇരുപതുകൊല്ല മോമുമ്പായി തെക്കൻ കണ്ണാടക ജില്ലയിൽ ഭൂരിയിൽ അധ്വാനം ചെയ്യുന്നവന് സ്വന്തം വകാശം ലഭിക്കുന്നതിന് പ്രക്ഷോഭണം ആരംഭിച്ചിട്ട്. 1934 ലാണെന്ന തോന്നുന്നു, ഹോസ് ദുർഗ് താലൂക്ക് കോൺഗ്രസ്സ് കമ്മിറ്റിയുടെ ആഭിമുഖ്യത്തിൽ അവിടത്തെ ജന്മി മാരുടെ മർദ്ദനത്തിൽനിന്ന രക്ഷ ലഭിക്കുന്നതിനുവേണ്ടി, കുക്കിട്ടഭിഷിൽ കക്കന്ത് സ്വാതന്ത്ര്യകാശം ലഭിക്കാൻ വേണ്ടി, പ്രക്ഷോഭണം ആരംഭിച്ചത്. അന്ന അധികാരത്തി ലിരുന്നത് വിദേശ ഗവൺമെന്റ് ആകയാൽ ആ പ്രക്ഷോഭണംകൊണ്ട് പ്രയോജന മൊന്നമുണ്ടായില്ല. 1937 ൽ കോൺഗ്രസ്സ് അധികാരത്തിൽ വന്നപ്പോൾ, ഇന്നത്തെ മുഖ്യമന്ത്രിതന്നെ മുഖ്യമന്ത്രിയായി വന്നപ്പോൾ, ലബ്ബർ കുടിയാഴ്ച നിയമം ഭേദഗതി ചെയ്യാൻ തീരുമാനിക്കുകയും അതു തെക്കൻ കണ്ണാടക ജില്ലയിലെ കാസർഗോഡ് താലൂക്കി ലേക്ക് വ്യാപിപ്പിക്കേണ്ടതുണ്ടോ എന്നന്വേഷിക്കുന്നതിനു 'കുട്ടിക്കുള്ള മേനോൻ അന്വേ ഷണക്കമ്മിറ്റി' കു അധികാരം നൽകുകയും ചെയ്തിരുന്ന. കോൺഗ്രസ് ഗവൺമെന്റ് അധികാരത്തിൽനിന്ന വിട്ടുപോകേണ്ടിവന്നതിനാൽ ആ നിയമം പാസ്സാക്കാൻ സാധി ച്ചിട്ടില്ല. അന്ന മുതൽ തെക്കൻ കണ്ണാടക ജില്ലയുടെ പല ഭാഗങ്ങളിലും കുക്കികർ അവരുടെ അവകാശങ്ങൾക്കുവേണ്ടി പോരാടാൻ തുടങ്ങിയിട്ടുണ്ട്. ഇപ്പോൾ കോൺ ഗ്രസ് അധികാരത്തിൽ വന്ന ഈ കൊല്ലമായിട്ടുണ്ടെങ്കിലും അവിടത്തെ കുക്കികൾക്ക രക്ഷ നൽകാനുള്ള ഒരു ബില്ല് കൊണ്ടുവരാൻ തയ്യാറായിട്ടില്ല. അവിടത്തെ കുടിയാ ന്മാർ യാതൊരു ദിക്കുമില്ല എന്ന ഗവൺമെന്റ് ധരിച്ചിരിക്കുന്നതിന്റെ ഫലമാണിതെ ന്ന തോന്നുന്ന. എന്റെ സ്നേഹിതൻ മി. പൈ പറയുകയുണ്ടായി : അവിടത്തെ ജന്മി മാർ പ്രജാസോഷ്യലിസ്റ്റ് പാർട്ടിക്കാരാണെന്ന്. അവരാണ് കുടിയാന്മാർക്ക ദ്രോഹം ചെയ്യു ന്നതെന്നും മറ്റും. എന്നാൽ കാസർഗോഡ് താലൂക്കിൽ കോൺഗ്രസ് ജന്മിമാർ വളരെ അധികം കുടിയാന്മാരെ ഒഴിപ്പിച്ചിട്ടുള്ളതിനു തെളിവുകളുണ്ട്. ഒരു കോൺഗ്രസ് എം.എൽ.എ. യോട് ഒരു കുടിയാനെൽ കായ്തിലടപെടുവാൻ ഞാൻതന്നെ പറഞ്ഞി ട്ടുണ്ടായിരുന്ന. എന്നാൽ അവിടെ ഒരു കുടിയാൻ നിയമമില്ലെന്നുള്ളതാണ് എല്ലാ കുഴപ്പ ങ്ങൾക്കും കാരണം. ഒരു കുടിയാൻനിയമം ഇല്ലാതിരുന്നതുകൊണ്ടാണ് തെക്കൻ കണ്ണാടകത്തിൽ കഴിഞ്ഞ തെരഞ്ഞെടുപ്പിൽ കോൺഗ്രസ്സിന്ന ജയിക്കുവാൻ സാധിച്ചതു. കുടിയാന്മാരെ ഒഴിപ്പിക്കുമെന്ന ഭീഷണിപ്പെടുത്തിയും താക്കീത ചെയ്യുമാണ് അവർ വോട്ട് വാങ്ങിയതു. അല്ലെങ്കിൽ മന്ത്രിമാരുടെ പിൻഭാഗത്തിരിക്കുന്ന എം.എൽ.എ. മാർ ഇത്രയധികം പേർ ഈ ഹൌസിൽ ഉണ്ടാകുകയില്ലായിരുന്ന. കുടിയാൻ എന്ന് പറഞ്ഞാൽ യാതൊരു രക്ഷയുമില്ലാത്തവനാണ്. ജന്മിയുടെ ഇച്ഛാനുസരണം കുക്കി നിലം കൈവശംവെയ്ക്കുവാനാണ് ഒരു കൊല്ലം എന്ന് പാട്ടശീട്ടിൽ എഴുതിക്കൊ ടുക്കുക . . . ."

MR. SPEAKER :—" This is South Kanara Cultivating Tenants Bill and not Malabar Tenancy Bill. I think the hon. Member is dealing with the Malabar Tenancy Bill."

SRI M. NARAYANAN NAMBIAR :—" No, Sir, I am Speaking on South Kanara Cultivating Tenants Bill only. കുടിയാന്മാർ ഈ ഒരു കൊല്ല ത്തിനകത്ത് ജന്മിക്ക അനുകൂലമായി എന്തെങ്കിലും ചെയ്യുമോയാൽ അവന്റെ നിലം

[Sri M. Narayanan Nambiar] [8th January 1954

എടുത്തു മറെറാരാളിനു കൊടുത്തിരിക്കുന്നവെന്നു പറഞ്ഞാൽ അവർ ഒഴിഞ്ഞുപോയ്ക്കൊ ള്ളണം. ഒരു കൊല്ലം കൈവശമുള്ളവരെ ഒഴിപ്പിക്കാൻ പാടില്ലെന്ന ഈ ബില്ലിൽ വ്യവ സ്ഥചെയ്യണം. വാരശീട്ട് ഇല്ലാത്ത കുടിയ്ക്കം കുടിയ്ക്കാരെ നമുക്കു കാണാൻ സാധിക്കും. പാട്ടം കൊടുത്താൽ രശീതിപോലും കൊടുക്കുകയില്ല. അങ്ങനെ വളരെയധികം കുടിയാ ന്മാർ തെക്കൻ കണ്ണാടക ജില്ലയിലുണ്ട്. അവരെ സംബന്ധിച്ചിടത്തോളം ഈ ബില്ല് കൊണ്ടു എന്തുകണ്ടു ഗുണം കിട്ടുമെന്നറിഞ്ഞുകൂടാ. അവർക്ക രക്ഷ നല്കാൻ എന്തെ ങ്കിലും പ്രത്യേക വ്യവസ്ഥകൾ ഈ ബില്ലിൽ ഉൾപ്പെടുത്തേണ്ടതായിട്ടുണ്ട്. ഇതുപോ കാലമായിട്ടും കുഴിക്കാർക്ക് ശരിയായി രക്ഷ നൽകുന്നതിനുള്ള ഒരു ബില്ല് കൊണ്ടുവരാൻ ഗവർമ്മേണ്ടിനു സാധിച്ചിട്ടില്ല. ഈ നിയമംകൊണ്ടു മാത്രം തെക്കൻ കണ്ണാടക ജില്ല യിലെ കുഴിക്കാർ രക്ഷപ്പെട്ടുകൊള്ളുമെന്ന് വിചാരിക്കാൻ നിവൃത്തിയില്ല. ഇതു വൈ കിയിട്ടെങ്കിലും ഇങ്ങനെ ഒരു നിയമം കൊണ്ടുവന്നതു സന്തോഷകരംതന്നെ. കുഴി ക്കാർക്കു രക്ഷ നൽകാൻ കോൺഗ്രസ്സ് ഗവർമ്മേണ്ടു തയ്യാറായിട്ടുണ്ടെങ്കിൽ കഴപ്പുമാണെന്നു കണ്ടുകൊണ്ടാണ് ഈ ചെറിയ ബില്ലെങ്കിലും ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ളതെന്നു ഞാൻ വിചാരിക്കുന്നു. എന്റെ നോട്ടത്തിൽ ജന്മിമാർ പ്രജാ സോഷ്യലിസ്റ്റ് പാർട്ടിയിൽ മാത്ര മല്ല, മറ്റു പാർട്ടികളിലുമുണ്ട്. ഞാൻ വളരെകാലമായി കാങ്ക്രസംഗത്തു പ്രവർത്തിക്കു വരുന്ന ആളാണ്. ജന്മിമാരുടെ മട്ടനങ്ങളെ സംബന്ധിച്ചു പല ആക്ഷേപങ്ങൾ എനിക്കു കിട്ടിക്കൊണ്ടിരിക്കുന്നു. അപ്പോൾ ഒരു കാര്യം വ്യക്തമാക്കുന്നുണ്ട്. യഥാർത്ഥ ത്തിൽ കുഴിക്കാരനു വളരെയധികം വിഷമതകളുണ്ട്. വാരം പാട്ടം കൊടുത്താൽ ശരി യായ രശീതു ലഭിക്കുകയില്ല. പാട്ടശീട്ട് എഴുതിക്കൊടുത്തു എന്നുള്ളതിനു് എതിർശീട്ട് ലഭിക്കുകയില്ല. യാതൊരു രേഖയും കുഴിക്കാരനെ സംബന്ധിച്ചെടത്തോളം കാണുക യില്ല. ഇങ്ങനെ ബില്ല് വരാൻപോകുന്നവെന്നറിഞ്ഞു് പല ജന്മിമാരും വളരെ കരു തലായി പെരുമാറിയിരുന്നുണ്ട്. കുഴിക്കാരനു് കുഴിഭൂമിയിൽ സ്ഥിരാവകാശം നല്കുന്നു തിനു. ഇന്നു നിലവിലിരിക്കുന്ന പാട്ടവും വളരെ ക്രൂരവുമാണ്. വാരവും പാട്ടവും ന്യായമായി നിശ്ചയിക്കുന്നതിനു" പ്രത്യേകം വ്യവസ്ഥ വേണം. മറെറാരു കാര്യം എടുത്തുപറയാനുണ്ട്. ഒരു ജന്മി കുടിയാനോടു പറയും 'നീ ഇവിടെ താമസിക്കോ, സ്ഥലം നന്നാക്കിക്കോ' എന്നു്. പക്ഷെ അതിനു യാതൊരു രേഖയും കൊടുക്കുകയില്ല. കുടിയാന്റെ അദ്ധ്വാനംകൊണ്ടു് സ്ഥലത്തു അനുഭവം ഉണ്ടായിക്കഴിഞ്ഞാൽ ജന്മി പറയും സ്ഥലം ഒഴിഞ്ഞുപൊയ്ക്കൊള്ളാൻ. ഇതിനു എത്ര ഉദാഹരണം വേണമെങ്കിലും പറയാൻ സാധിക്കും. ധാരാളം കുടിയാന്മാരെ പുറത്താക്കിയിട്ടുണ്ട്. അങ്ങനെയുള്ള കുടിയാ ന്മാർക്കു രക്ഷ നൽകാനുള്ള വ്യവസ്ഥകൾ ഇനി കൊണ്ടുവരാനുദ്ദേശിക്കുന്ന ബില്ലിൽ ഉണ്ടായിരിക്കണം. രേഖയില്ലാത്ത സ്ഥലങ്ങൾ കുഴിക്കാരൻ ഒഴിഞ്ഞുകൊടുക്കേണ്ടിവരിക കയാണെങ്കിൽ ശരിയായ പ്രതിഫലം കിട്ടാനുള്ള ഒരു വ്യവസ്ഥകൂടി ഉണ്ടാക്കണം. കുടിയിറക്ക തടയുന്നതിനുവേണ്ടിയുള്ള ഒരു ബില്ലാണിതു്. വരാനിരിക്കുന്ന ബില്ലു് കുടിയാനു് വളയെധികം രക്ഷ നൽകുന്നതായിരിക്കണം. ഭൂമി നന്നാക്കിയിട്ടുള്ളവനു് ശരിയായ പ്രതിഫലം കൊടുക്കാനുള്ള ഒരു ബില്ലു് ഗവർമ്മേണ്ടു കൊണ്ടുവരുമെന്നു് പ്രതീക്ഷിക്കുകയുണ്ടു് ഞാൻ അവസാനിപ്പിക്കുന്നു."

10-15 a.m.

* SRI T. C. NARAYANAN NAMBIAR :—" Mr. Speaker, I associate myself with the sentiments expressed by the hon. Member, Sri M. Narayana Nambiar, and other hon. Member from South Kanara district. The District Ryoti Sangam affiliated to the All-India Kisan Sabha was agitating for years and months for a piece of legislation restricting evictions, protecting the ryots from exaction of heavy rents, and tackling the problems of rural labour and agricultural workers and other allied questions. I think that it is my duty to state that though this is a belated piece of legislation, the Government have at last recognized the fact that a large number of evictions are taking place in South Kanara. Hundreds of peasants have been evicted from their holdings. Now, no provision is being made in this piece of legislation for the reinstatement of those people. Also, the eviction of a cultivating tenant will be stayed provided he pays the arrears of rent due for about a

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year within a month after the commencement of this enactment. It will be a great hardship on the peasantry if they have to pay it within one month. But it will be argued that as far as the Indebted Agriculturists (Temporary Relief) Bill is concerned, only one year's stay is granted. But here, if the payment is not made within one month, the peasant will lose the whole holding. Therefore, I hope and trust that the Government will rectify such defects."

SRI S. S. KOLKEBAIL :—" Mr. Speaker, Sir, better late than never. After all, the Congress Government have thought of bringing in this measure though pressure was brought to bear on them for the last seven or eight years for this purpose. In 1947, the Congress came into the Legislature without much contest in South Kanara district. Ever since 1947 there was no election. So, they thought that they were the masters of the situation. But during the general elections in 1951 there was a mass upheaval. The people of South Kanara then rose up against the anarchy of the Congress Government. They said, 'No, you cannot go to the Assembly this time. You are not representing the poor people. You are not espousing the cause of the tenants.' Hence, there was opposition to the Congress everywhere. Now, they put up all rich landlords, rich bankers and very powerful persons as candidates for elections. Especially, in my constituency one of the richest landlords of the district was pitched against me. The main issue before the electorate was whether they wanted land reform or not. The people voted for me and sent me up here. To-day, the hon. Member, Sri Ananta Pai, had the cheek to say that the Praja-Socialist members were carrying on a propaganda among the tenants to agitate for a tenancy legislation. It is a lie. . ."

SRI T. ANANTA PAI :—" On a point of order, Sir."

MR. SPEAKER :—" The hon. Member. . ."

SRI S. S. KOLKEBAIL :—" I am not yielding, Sir."

MR. SPEAKER :—" The hon. Member must yield. When the Chair is on its legs, he should not say that he will not yield. He must apologize to the Chair for having said that he would not yield when the Chair is on its legs."

SRI S. S. KOLKEBAIL :—" I apologize, Sir."

MR. SPEAKER :—" The hon. Member has used an unparliamentary word. He said that the hon. Member Sri Ananta Pai had uttered a lie. 'Lie' is an unparliamentary word."

SRI S. S. KOLKEBAIL :—" The statement which he made is a lie."

MR. SPEAKER :—" 'Lie' is an unparliamentary word."

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SRI S. S. KOLKEBAIL :—" The hon. Member Sri Ananta Pai said that he had received so many letters that the Praja Socialist Party was carrying on a propaganda. Such a statement is a lie."

MR. SPEAKER :—" What I say is that ' lie ' is an unparliamentary word."

SRI S. S. KOLKEBAIL :—" It is parliamentary. If necessary, I shall quote chapter and verse from the relevant records."

MR. SPEAKER :—" I know much better than the hon. Member, Sri Kolkebail. Let him withdraw the word."

SRI S. S. KOLKEBAIL :—" If it is unparliamentary, I call it a terminological inexactitude."

MR. SPEAKER :—" Let him first withdraw the word ' lie ' and then say that it is a terminological inexactitude."

SRI S. S. KOLKEBAIL :—" I withdraw it, Sir, and use the expression ' terminological inexactitude '."

The hon. Member Sri Ananta Pai rose in his seat.

MR. SPEAKER :—" Let the hon. Member Sri Kolkebail continue his speech."

SRI T. ANANTA PAI :—" On a point of order, Sir. The hon. Member used another unparliamentary expression ' cheek to say '."

MR. SPEAKER :—" The hon. Member did not bring it to my notice then."

THE HON. SRI C. SUBRAMANIAM :—" Just before the hon. Member was called upon to apologize, he said, ' cheek to say '."

MR. SPEAKER :—" I shall go through the proceedings and then give my ruling. I did not hear it. The hon. Member, Sri Kolkebail, will now continue his speech. Let him not get excited now."

SRI S. S. KOLKEBAIL :—" Because the hon. Member, Sri Ananta Pai, gave so much of food for this excitement, I was excited. Otherwise, I had no business to attack him. Because he said that this particular Party was carrying on this propaganda just for political purposes, I had to attack him. What he said was not correct. As a matter of fact, the entire election was fought on this issue. But, all the same, Congress Members were returned in a majority because they had the money and they threatened almost all the tenants in their holdings for getting support."

* THE HON. SRI C. RAJAGOPALACHARI :—" I want to draw the attention of the hon. Member when I tell you, Sir, that we are dealing with a Bill which stops evictions for one year, and we need not expand into all these political rivalries now."

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MR. SPEAKER :—" The hon. Member is excited now. Shall I give him some time and allow him to speak again afterwards? "

THE HON. SRI C. RAJAGOPALACHARI :—" He is not excited, Sir. He is whipping himself into excitement."

SRI S. S. KOLKEBAIL :—" The excitement was not started by me. As a matter of fact, I did not want to speak on this Bill. After all, this is a very small measure. We are all agreed on this point. So, I did not want to talk on this measure. But because the hon. Member, Sri Ananta Pai, attacked the Praja-Socialist Party, I took objection to it."

* THE HON. SRI C. RAJAGOPALACHARI :—" It is well known that the smaller a Party the greater is the excitement." (Laughter.)

SRI S. S. KOLKEBAIL :—" I will here and now contradict what the Hon. the Chief Minister has said. In the last general election, our Party has secured more votes than the Congress Party. But, unfortunately, because the Congress played all kinds of acrobatic feats by putting up particular candidates in the constituencies, they succeeded. But there was a straight fight in my constituency and I defeated one of the most reactionary landlords. There is no meaning in saying that our Party is a weak Party. We are the strongest Party. We are representing a major portion of the electorate. But because of the request or ruling of the Speaker, that I should not get offended at the way in which the hon. Member, Sri Ananta Pai, attacked our Party, I am not going to dilate upon it. This is a measure by which the peasants who form nearly 50 per cent of the population are going to be benefited. In a way, in the Preamble itself and in clause 1, it is indicated that the Government are going to bring in a comprehensive land legislation within a year. Now, I have already given notice of some amendments to various clauses of the Bill, one of which relates to the life of this Bill. I shall speak on them when the relevant clauses are taken up for discussion."

SRI M. NARAYANA KURUP :—" Sir, on this occasion of the first, though meagre, instalment of tenancy reform in South Kanara, my Party, though it is a small Party, has to take some interest in it. Because ours is a small Party, it has a future, whereas big Parties are now on the decline.

" I wish to make only one or two points in regard to the Bill. In clause 3, it is stated that a cultivating tenant cannot be evicted in execution of a decree or order of a Court or otherwise. What I am driving at is that this does not prevent eviction suits from being instituted. Only the execution of the decree has to be deferred for one year.

" Another point I want to make is this. The immunity from eviction that is conferred on the tenant is only from eviction by his landlord. Now, it is well known that in South Kanara there

are a number of landlords. Suppose ' A ' is the first landlord, ' B ' is the tenant and ' C ' is the sub-tenant. Under this Bill, ' C ' cannot be evicted by ' B '. It is well known that there is no tenancy legislation in South Kanara and hence, eviction suits will be governed by the principle analogous to that contained in the Transfer of Property Act. If ' A ', the landowner, puts an end to the tenancy of ' B ' who is his tenant, automatically the tenancy of ' C ' terminates. What I want to impress upon the Hon. Minister is that even under this Bill, if ' A ' institutes a suit against ' B ' and ' C ' together, then ' C ' has no defence in such suit, and this Bill will not give him any relief. This point also should be remembered. This point may also be remembered. As has been spoken to by many hon. Members, because of the uncertainty of land tenure in South Kanara not only land, but also Harijans and certain other classes of people are bought and sold along with the land. Their condition is so very pitiable. We are glad that at least at this late stage this tenancy reform Bill has been brought forward by the Government to do some justice to these poor people."

10-30 a.m.

* SRI N. N. SUVARNA :—" Mr. Speaker, in supporting this Bill, I intend associating myself with the sentiments of gratitude expressed by my colleagues from South Kanara, of course except the hon. Member, Sri Narayanan Nambiar, who spoke in Malayalam. I could not follow him and could not say whether he has expressed his assent or dissent to this Bill. While expressing my gratitude, I wish to add that our gratitude would have been real if only this relief measure had come in a bit earlier. The delay in the introduction of this Bill for affording some relief to the tenantry of South Kanara has resulted in great hardship and injustice. As the previous speakers had given a catalogue of the number of eviction suits, one can readily infer that the landlords have taken the time by the forelock by filing a number of eviction suits against the poor tenants. In South Kanara, the Congress stood for tenancy legislation and everybody knew that. Even the candidates who got elected during the last elections had made all sorts of promises in respect of tenancy legislation. All that was of no avail. Very possibly, our suspicion was that there was some influence in the inner circles of the Cabinet creating an impression that all was well between the tenants and landlords in South Kanara. That is what we suspected. Of course, my Friend, Sri Pais, referred to vested interests. Well, it is not necessary now to know who formed the vested interests. Anyhow, now that the present Bill has been brought forward, we do not want to enter into this controversy. At any rate, the landlord who took the hint began to file a number of eviction suits and that too on a very large scale. So, hardships increased and what made matters worse was the indiscretion committed by one of our Ministers in the former regime. When once he came to my constituency, Mulki and presided over a Tenants' Conference, he promised that in the next session itself tenancy legislation or legislation to stay

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evictions would be introduced in the Legislature. But nothing of that sort was done. This was followed by the recent general elections during which we had to go round the various places. As a matter of fact, people had more faith in us. That is why, even in the face of non-fulfilment of the promises made by the candidates at the time of the previous election that they would do this and that, the people did not react against us, but elected us to the present Assembly. I really disagree with Mr. Kolkebail when he says that his election was not on this ticket. I may inform him that out of 10 candidates of South Kanara, 9 of the Congress candidates have been returned on this ticket. (Cheers.) After the elections were over, we made repeated representations regarding tenancy legislation. All those representations were put off. People were given to understand that a comprehensive legislation was being attempted for the whole of the State and that South Kanara would also be included in it and so their representations were put off. But suddenly, last year the Hon. Chief Minister came forward with the Tanjore Tenants and Pannaiyal Protection Ordinance which was later converted into an Act. That Act was passed with such rapidity that we were surprised. At the same time, the position of the representatives from South Kanara became pitiable. Because there was a feeling of frustration in the minds of the people of South Kanara we were thrown out of gear. The people of our constituencies have begun to remark that we have no pull and absolutely no influence with the Cabinet. They seemed to feel that some pull with the Cabinet was necessary. In spite of the fact that we did not hear of any agrarian troubles in Tanjore, suddenly an Ordinance was issued and later it was converted into a Bill and introduced into the Legislature and was also passed. On the other hand, the people of South Kanara have been urging the Government, for the last 7 or 8 years, to bring forward some tenancy reform measure. Unfortunately, nothing of that sort, no Bill whatsoever was brought forward by the Government. So, the people began to think that we have been making false statements or giving them false hopes saying that the Government will bring a comprehensive legislation very soon and all that. Thus a feeling of frustration took hold of the people. Fortunately for us, the Hon. Chief Minister visited our place on 22nd December 1953 and met us. In a conference of the representatives of South Kanara held in Mangalore, a united demand was put forward to him and he was requested to bring in immediately the necessary relief measures for the poor tenants. He was convinced of the urgent necessity to bring forward the necessary legislation and he promised to bring forward the necessary Bill in the next session. In bringing the present Bill which is before the House, he has shown that, ' where there is a will, there is a way.' The Government need not have put off this legislation till now. If only they had a will even before, they could have brought forward this Bill much earlier. Anyway, at least at this late stage, this Bill has been brought forward. We only regret that a large number of tenants have been evicted and the

hardships that they are undergoing have become intolerable. In fact, I can just give an instance where a tenant with a large family who has been on the land from time immemorial has been recently evicted. When the Commissioner went to the locality he apprised the value of the improvements at Rs. 11,000. Not a pie has been paid to the tenant and the entire family of this tenant was driven out and he has now to seek some shelter in some portion of Malnad area. If only the Government can help those tenants who are already evicted, it will be a great benefit for these poor people. Anyway, we are thankful for the small mercies shown by the Government. Therefore, I join my other colleagues from South Kanara in thanking the Government and particularly the Hon. Chief Minister, for sponsoring this Bill in this session itself."

SRI B. VAIKUNTA BALIGA :—" Mr. Speaker, I join the other hon. Members in supporting the Bill that is before the House. There is absolute unanimity of opinion in support of this measure. The measure is very simple and an initial step. I would not have ventured to get up and speak except for the small incident which took place when two different views were espoused. As far as South Kanara is concerned, the people are very simple. I may also add that nobody should go with the impression that in South Kanara there was divergence of opinion as might be indicated or sought to be implied by what transpired here.

10-40 a.m. " Then, Sir, my friend, Mr. Kolkebail, is a very nice gentleman and I have rarely seen him get into the temper such as he has revealed to-day. I am sure he did not mean much of what he said. As far as the fact that he fought the election on this issue in his constituency and that tenants are not behind the Congress is concerned, I believe these are statements which cannot be taken at their face value. It is unnecessary to get into a controversy over these for that will make matters worse. But I do maintain that the voters in South Kanara including tenants—and they are a large number—supported the Congress candidates.

" Coming to the measure again . . (Sri C. S. Kolkebail : ' Look at statistics.') Statistics will not reveal what the hon. Member has said. Repetition of a wrong statement will not add to the efficacy of the argument. Therefore, I would request my friend not to repeat what he said. Now, Sir, as to the merits of the Bill, so far as the tenants in South Kanara are concerned, they are really desirous of two things. One is fixity of tenure. They do not want to harass the landlords and the landlord also does not want to harass the tenant. What we want in South Kanara is an equitable distribution, right for all to the property so that the tiller of the soil may put in his best in order to make the land give a good yield. I am only hoping that the Government will not stop with introducing measures for guaranteeing fixity of tenure and apportionment of the produce between the two parties in a fair manner but will bestow their attention on providing more ameliorative measures. I am anxious that so far as land in

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South Kanara is concerned, there should be a continual partnership between the landlord and the tenant on the best of terms. Apart from helping on this manner, the Government can do much more for the district as well as the whole State. When I said 'ameliorative measures' I had only the production of food in mind. You are aware, Sir, that in South Kanara we have got perennial rivers which offer great potentialities for undertaking large irrigation projects. If the Government will only aid the cultivator or the tenant with loans or with the supply of pumpsets, may I say that all lands in South Kanara—at least a good portion of them—could be made to yield double the quantity of food that is raised now. With financial assistance and with the proposed supply of power from the Jog, I visualise in the light of this enactment and the further enactment that is to come and which would promise fixity of tenure, peace will prevail, prosperity will come and the tenant will be contended. The Government should do their part of the work in providing cheap power and affording the facilities that I have mentioned now to the cultivators. Besides, manure must be supplied. Facilities must be provided to them to get leaf manure from forests nearby. They should be encouraged in all directions possible so that the tenants in South Kanara may be contended and rise to the highest level that is possible for the common man to reach, and play his part in contributing to the prosperity and advancement of the nation as a whole. Sir, I support the measure wholeheartedly and I thank you for the opportunity you have afforded me for saying these few words."

10-44 a.m.

* SRI S. RAMALINGAM:—"கனம் சபாநாயகர் அவர்களே, தென் கன்னட ஜில்லாவில் இருக்கக்கூடிய விவசாயிகளே ஒரு வருஷ காலத்திற்கு நிலத்திலிருந்து வெளியேற்றக்கூடாது என்ற இந்த மசோதாவை நான் வரவேற்கின்றேன். அதே சமயத்தில் தென் கன்னட ஜில்லாவுக்கு வேண்டிய தீவிரமாக ஆலோசிக்கப்பட்ட நிலச் சீர்திருத்தச் சட்டம் கொண்டு வருவதற்குள்ளாக இந்தச் சட்டம் கொண்டு வரப்படுகிறது என்று குறிப்பிட்டிருக்கிறார்கள். அந்தக் காரணங்களினாலே இன்று நிலத்திலிருந்து வெளியேற்றம் வெகு தீவிரமாக அதிகமாகிக்கொண்டுவருவதைத் உடனடியாகத் தடுப்பதற்கு இந்தச் சட்டம் தேவை என்றும் குறிப்பிட்டிருக்கிறார்கள்.

"அதேமாதிரியான நிலைமை தமிழ் நாட்டின் இதர ஜில்லாக்களிலும் இருக்கிறது. சென்ற பல ஆண்டுகளாக சர்க்கார் தொடர்ந்தாற்போல் தாங்கள் நிலச் சீர்திருத்தச் சட்டம் கொண்டுவரப் போகின்றோம் என்று சபையிலும் இன்னும் வெளியிலும் வாக்குறுதி கொடுத்துக்கொண்டு வந்தார்கள். தென் கன்னட ஜில்லாவில் எப்படி விவசாயிகள் நிலத்திலிருந்து அப்புறப்படுத்தப்படுகிறார்களோ, அதேமாதிரியான நிலைமைதான் தமிழ்நாட்டிலும் இன்றையதினம் இருந்துகொண்டு வருகிறது. விவசாயிகள் மிகத் தீவிரமாக வெளியேற்றப்பட்டுகொண்டு இருக்கிறார்கள். ஆகையால், இந்தச் சட்டமானது தென் கன்னட ஜில்லாவுக்குமட்டும் என்று இல்லாமல் இதர தமிழ் ஜில்லாக்களுக்கும் விஸ்தரிக்கப்பட்டிருக்கும்படியான முறையில் இந்தச் சட்டம் கொண்டுவரப்பட்டிருந்தால் மிகவும் நன்றாக இருந்திருக்கும்.

"ஒரு வருஷத்திற்கு இந்தச் சட்டம் அமுலுக்கு இருப்பதனால் அந்த ஒரு வருஷத்திற்குள் தென் கன்னட ஜில்லாவுக்கு ஒரு நிலச் சீர்திருத்தச் சட்டம் கொண்டுவரவேண்டுமென்று ஏற்றுக்கொண்டிருந்தால், தமிழ்

[Sri S. Ramalingam] [8th January 1954

ஜில்லாக்களுக்கும் நிலச் சீர்திருத்தம் கொண்டுவரவேண்டுமென்ற கட்டாயம் ஏற்பட்டிருக்கலாம். அதைத் தட்டிக் கழிப்பதற்காகத்தான் தென் கன்னட ஜில்லாவுக்கு மட்டும் இதைக் கொண்டுவந்திருக்கிறார்கள், இதர ஜில்லாக்களுக்கு இந்தச் சட்டம் அமுலுக்கு வராமலிருக்கிறது என்று நாம் யோசிக்கவேண்டியிருக்கிறது.

" இந்தச் சட்டத்திலே மூன்றாவது பிரிவிலே கடைசியிலே சொல்லப்பட்டிருக்கிறது. அதாவது, விவசாயி இந்த வருஷத்திற்கு கொடுக்கவேண்டிய குத்தகையோ, வாரத்தையோ கொடுக்காவிட்டால், இந்தச் சட்டம் இல்லாதுபோல் பாவித்து, அவனை நிலத்தைவிட்டு வெளியேற்றலாம் " என்று இந்த மசோதாவின் பிரிவு 3 (பி) சொல்லுகிறது. அந்த மாதிரியான அதிகாரம் நிலச்சுவான்தாரர்களுக்கு கொடுக்காமல், விவசாயி குத்தகையோ, வாரமோ, வாடகையோ கொடுக்காவிட்டால், கோர்ட்டுக்கு மனுச் செய்து, அப்படிப்பட்ட விவசாயிகளை நிலத்தைவிட்டு அப்புறப்படுத்தலாம் என்று திருத்தினால் நன்றாக இருக்குமென்று கருதுகிறேன். ஆகையால், இந்தச் சட்டத்தை மற்ற ஜில்லாக்களுக்கும் விஸ்தரிப்பதற்கு சர்க்கார் ஒத்துக்கொள்ளவேண்டுமென்று கேட்டுக்கொண்டு என்னுடைய வார்த்தையை முடித்துக்கொள்ளுகின்றேன்."

* SRI M. S. MOGRAL :—" Mr. Speaker, Sir, I congratulate the Hon. the Chief Minister on bringing forward this beneficial measure. I do not say that it is a perfect measure. Anyhow, I may submit that this is a beginning in the right direction. This Bill heralds the opening of a bright chapter in the history of the South Kanara district. It marks the beginning of a new era in the relationship between the landlords and the tenants of our district. The poor peasants of our district have been looking forward to such a piece of legislation for a long time and I am sure that, though it is a bit belated, it will be welcomed by the tenants as well as by the landlords with gratitude. Sir, the protection afforded to the tenants against arbitrary eviction by capricious landlords is quite adequate and the provision requiring tenants to deposit the current rent in time is quite reasonable, from the landlord's point of view as well. The tiller of the soil will now shake off his lethargy and utilize all the time available to him to see that more food is produced. Rack-renting and evictions under frivolous pretexts which were resorted to by landlords more out of party feelings and personal prejudices will now cease and this Bill will apply a brake to the deterioration of the conditions obtaining now in my district. Sir, I sincerely submit that if this Bill is passed into law, it will lay the foundation for a progressive understanding between the landlords and the tenants and pave the way for comprehensive reforms which the Government intend to introduce ere long.

10-50 a.m. " We are aware of the fact that the welfare of the tiller of the soil should be the primary concern of Government and as such, our country, being an agricultural one, would prosper by leaps and bounds if our cultivating tenants are taken proper care of. I am sorry my friend Mr. S. Kolkebail has imparted a lot of heat into the discussion. I do not want to enter into any controversy. The previous speaker Mr. Vaikunta Baliga has replied suitably. I feel there is no necessity for me to reply. If my friend Mr. Nambiar and his partymen think that they would carry the day, we

shall see it in the next district board election. We need not fight here. Mr. Nambiar had said that he had to approach a certain Congress M.L.A. to set right the eviction of a certain tenant by a certain landlord who is a Congressman. I do not know whether Mr. Nambiar's reference is directed towards us. I do not know whom Mr. Nambiar particularly means. I have told him that I had a discussion with the gentleman who had been referred to and he had made me understand that the information which Mr. Nambiar had asked him to carry was not true. That is all what I want to say on this score.

" There are many others coming from South Kanara who are anxious to speak. Suffice it for me to once again congratulate the Government on having brought forward this useful tenancy legislation for South Kanara."

*Sri R. S. ARUMUGAM:—" கனம் சபாநாயகர் அவர்களே, விவசாயி 10-53 a.m.
களைத் தவிர மற்ற தொழிலாளிகளுக்கெல்லாம் சட்டத்தின் மூலமாக பாதுகாப்பு இருந்து வந்தது. ஆனால், விவசாயிகளுக்கு இதுவரை சட்டத்தின் மூலமாக சில இடங்களைத் தவிர மற்ற இடங்களில் பாதுகாப்பு இல்லையே என்று எங்கிக் கொண்டிருந்த சந்தர்ப்பத்திலே, இந்த ராஜியத்தின் ஒரு பகுதியிலுள்ள விவசாயிகளுக்கு இந்தச் சட்டத்தின் மூலமாக முதலாவதாக ஆதரவு கிடைத்திருக்கிறதையெண்ணி என் போன்றவர் சந்தோஷப்படாமலிருக்க முடியாது.

" விரிவான முறையில் நிலச் சீர்திருத்தச் சட்டம் பின்பு கொண்டுவர வேண்டியிருப்பதனால், அப்பொழுது வாரம், கட்டுக் குத்தகை போன்ற விஷயங்களை யோசிக்கவேண்டிய சந்தர்ப்பம் ஏற்படும். அப்படிப்பட்ட விரிவான நிலச் சீர்திருத்தச் சட்டம் கொண்டு வருவதற்கு முன்பாக, தென் கன்னட ஜில்லாவில் இருக்கக்கூடிய விவசாயிகள் நிலத்திலிருந்து வெளியேற்றப்படாமலிருப்பதற்கு இப்படிப்பட்ட ஒரு சட்டம் மிக அவசரமானது என்ற நிலைமையை சர்க்கார் நன்கு உணர்ந்த காரணத்தினாலே அந்தப் பகுதிக்கு இந்தச் சட்டம் கொண்டுவரப்பட்டிருக்கிறது. அதைக் குறித்து நான் சந்தோஷப்படுகிறேன்.

" அதே நேரத்தில், இந்த ராஜ்யத்திலுள்ள பாகி இடங்களிலும் நிலத்திலிருந்து விவசாயிகள் வெளியேற்றும்படியான இந்த அபத்து இருக்கிற தென்பதை எனக்கு முன்பு பேசிய அன்பர்கள் பலர் எடுத்துச் சொன்னார்கள். நானும் அதைத்தான் சொல்ல விரும்புகிறேன். திருநெல்வேலி ஜில்லா போன்ற இடங்களிலே அடிக்கடி இம்மாதிரி தகராறுகள் ஏற்படும் போது, பெரும்பாலும் அங்கிருக்கிற காங்கிரஸ் அங்கத்தினர்களாகிய நாங்கள் அந்தத் தகராறுகளை சுமுகமான முறையிலே சில விஷயங்களை தீர்த்துக் கொள்ளுகிறோம். இருந்தபோதிலும்கூட, அதற்கென ஒரு சட்டம் இல்லாத காரணத்தினால் பல தகராறுகள் சுமுகமான முறையில் தீர்க்கப்பட்டு முடிவுக்கு வரமுடியாமல் இருக்கிறது.

" இப்போது இந்தச் சட்டமானது தென் கன்னட ஜில்லாவிற்கு மாத்திரம் வரப் போகிறபடியினாலே எங்களுடைய ஜில்லாவில் இன்னும் அதிகப்படியான தொந்தரவுகள் ஏற்படும் என்பதை தெரிவித்துக் கொள்ளுகிறேன். 'கூடிய சீக்கிரம் சட்டம் வர இருக்கிறது, அதற்கு முன்னால் இருக்கிற விவசாயிகளை நிலத்தைவிட்டு காலி செய்துவிடவேண்டும்' என்ற மனப்பான்மை நிலச்சுவாந்தார்களுக்கு ஏற்படும். இந்தச் சட்டத்தினால் அந்த மாதிரி நிலைமை எங்கள் ஜில்லாவில் அதிகப்படியாக ஏற்படும். ஏதாவது ஒரு தகராறு ஏற்பட்டால், அதை நாங்கள் போய் சுமுகமாக தீர்க்கவேண்டுமென்று எண்ணினால் கூட, இங்கே சட்டம் இல்லையே என்று சொல்வதற்கு ஏதுவாக இருக்கிறது. ஆகவே, அதிக நாள் தீடிக்காமல் அடுத்த

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சட்டசபைக் கூட்டத்திற்குள்ளாகவே ஒரு 'நோடிபிகேஷன்' மூலமாக தமிழ் நாட்டிலுள்ள எல்லாப் பகுதிகளுக்கும் ஆங்காங்குள்ள விவசாயிகளை அந்தந்த நிலத்தை விட்டு அப்புறப்படுத்த விடாமல் கண்டிப்பாக ஒரு உத்திரவு அனுப்புமாறு கனம் ரெவினியு மந்திரி அவர்களையும் கனம் முதல் மந்திரி அவர்களையும் கேட்டுக்கொள்ளுகிறேன். இந்தச் சட்டத்திற்கு எனது பாராட்டுதலையும் தெரிவித்துக்கொள்ளுகின்றேன்."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" I am thankful to hon. Members for stating the agricultural conditions prevalent in South Kanara on the whole. It has been explained by one hon. Member that there are three classes of tenants in the district and that in the case of first two classes of tenants there is no necessity for any piece of tenancy legislation and that only in respect of the third-class of tenants, viz., the Chalgeni tenants, this legislation is necessary."

* SRI L. C. PAIS :—" May I clarify the position, Sir? I think the Hon. Minister is referring to me. I said that the first-class of tenants are known by the name of " Mulgeni " or " permanent " tenants who are governed by some fixed agreement. I said that in respect of this class, no legislation was necessary. But in regard to the second-class of tenants, viz., ' term tenants ', as soon as the terms of their contract are over, they are evicted and the moment they are evicted they are as good as the ' tenants at will ' and as such in respect of the second category therefore, this legislation is necessary. Of course I said that the poor third-class ' tenants at will ' should be helped."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" I am thankful to the hon. Member for the clarification. I need not go into the details. I am also thankful to the hon. Members hailing from South Kanara for their having stated that an all-embracing tenancy legislation in respect of South Kanara should not be hustled through but that it should be done after mature consideration. Sir, I have always held the opinion that people coming from South Kanara are business-like people. My opinion has come true. Like business-like people they have appreciated the difficulties that lie in the way of bringing forward a comprehensive tenancy legislation. I am thankful to them for it. At the same time, I am sorry to note that some hon. Members from South Kanara went into a sort of post-mortem examination. It was not necessary on the part of Mr. Kolkebail to have done so. He is a man of superlatives and only superlatives can tackle him. I shall not dilate much upon it.

" I have already explained the necessity for bringing this measure and I do hope that the House, will pass it."

MR. SPEAKER :—" The question is—

' That the South Kanara Cultivating Tenants Protection Bill, 1954, be taken into consideration at once.' "

The motion was put and carried.

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MR. SPEAKER :—" We shall now take up clause by clause discussion."

Clause 3.

SRI K. R. VISWANATHAN :—" I move my amendment— 11 a.m.

' For *the words " a month " wherever they occur*, substitute *the words " three months "*.' "

The motion was duly seconded.

SRI S. S. KOLKEBAIL :—" I move my amendments—

' After *sub-clause* (1), insert *the following new sub-clause* :—

" No holding of a tenant shall be liable to be sold or brought to sale in pursuance of a decree, or order, or other proceeding for recovery of rent or debt or mesne profits."'

' *In sub-clause* (2), for *the words " within a month "*, substitute *the words " two months after notice from the landlord "*.'

' *In sub-clause* 3 (a), after *the words " market value "*, insert *the figures, words and brackets " (the price as published in the District Gazette of South Kanara for the month of February 1954) "*.'

' *In items (i) and (ii) of sub-clause (3) (a)*, for *the word " month "*, substitute *the words " two months "*.'

' *In sub-clause* (3) (*b*), for *the words " a month "*, substitute *the words " two months "*.' "

The motion was duly seconded.

SRI S. RAMALINGAM :—" I move my amendment—

' For *the words " as if this Act had not been passed "*, substitute *the words " under the orders of the Court or on an application made by the landlord "*.' "

The motion was duly seconded by Sri K. C. Gopalan Unni.

SRI T. C. NARAYANAN NAMBIAR :—" I beg to move my amendment to clause 3, sub-clause (2)—

' For *the words " a month "*, substitute *the words " one year "*.' "

SRI R. KRISHNAN :—" I second it."

MR. SPEAKER :—" The motion as well as the amendments are before the House for discussion."

SRI S. S. KOLKEBAIL :—" Mr. Speaker, Sir, I do not wish to make a long speech on this point. The intention of my amendment is very clear. Now, land reform is the most important

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reform to be introduced in our State because most of our people are agriculturists. By accepting this amendment, you will find that some of the tenants, who are to-day enjoying the lands either under Alivaigeni lease (term lease) or under Kayamgeni lease (permanent lease), are suffering on account of certain inherent difficulties in the leases and their rights are being brought to sale and they are evicted in due course of law. So, in order to prevent that, I want to introduce this particular sub-clause, namely, "No holding of a tenant shall be liable to be sold or brought to sale in pursuance of a decree, or order, or other proceeding for recovery of rent or debt or mesne profits". Sir, this particular sub-clause emanates from out of my own imagination. There is a similar clause in the Madras Tenants and Ryots Protection Act (Act XXIV of 1949) passed in this very House when you were the Speaker. So if this amendment is accepted, you will find that the Alivaigeni tenants holding under term leases and the Kayamgeni and Mulgeni tenants holding under permanent leases will be saved if their lands are brought to sale for non-payment of arrears of rent. The comprehensive legislation may take about a year or even more. Of course, there is the Moratorium Act which gives protection to these people. I hope the Government will have no objection to accept this amendment."

SRI M. NARAYANA KURUP :—" Sir, I have not moved any formal amendments. Still I wish to place before the Hon. Minister the suggestion that I made at the outset. My suggestion is that after the words " his landlord ", the words " or his superior landlord " may also be added, because otherwise the protection granted by this Act to the tenants will be incomplete. Of course, there are experts in this House who have got sufficient experience in such kinds of legislation. I do feel and really feel that unless the words " or his superior landlord " are also added, the position of the sub-tenants will not be safeguarded."

11-04 a.m. * SRI S. RAMALINGAM :—" என்னுடைய திருத்தம் என்னவென்றால் இந்த மசோதாவின் மூன்றாவது பிரிவிலே (b) என்னும் உப பிரிவின் இறுதியிலே வரும் 'as if the Act had not been passed', என்னும் வார்த்தைகளுக்குப் பதிலாக, ' or an application made by the landlord ' என்னும் வார்த்தைகளை அமைத்துக்கொள்ளவேண்டும் என்பதுதான்.

" அதாவது, ' விவசாயி வாடகையைக் கொடுக்காவிட்டால், அவனை இந்தச் சட்டம் வராததுபோல் கருதி நிலத்தைவிட்டு நிலச்சுவாந்தார் அப்புறப்படுத்தலாம் ' என்று இந்த மசோதாவிலே இருக்கிறது.

" என்னுடைய திருத்தமானது, ' அவன் அம்மாதிரி கொடுக்காமலிருந்தால், நிலச்சுவாந்தார் கோர்ட்டுக்கு அந்த மாதிரி விவசாயி கொடுக்க வேண்டிய வாரத்தைக் கொடுக்கவில்லையென்றும், அதனால் அந்த விவசாயியை வெளியேற்ற வேண்டுமென்றும் மனு செய்து, கோர்ட்டின் மனு உத்தரவைப் பெற்று, அதன் பிற்கு தான் நிலத்தை விட்டு அப்புறப்படுத்தவேண்டும் ' என்று சொல்லுகிறது. இந்தத் திருத்தமானது மசோதாவினுடைய முக்கியமான கொள்கைக்கு விரோதமானதில்லை.

" A cultivating tenant may deposit in court the rent, என்று மூன்றாவது பிரிவு (a) சொல்லுகிறது. அதாவது, விவசாயி நிலச்சுவாந்தாருக்குக் கொடுக்கவேண்டிய வாரத்தை கோர்ட்டிலே கட்ட

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வேண்டுமென்று சொல்லியிருக்கிறது. அப்படியிருக்கும்போது, இந்தச் சட்டத்தின் பிரகாரம் நியாயம் வரி என்ன, நியாயமான வாரம் என்ன, நியாயமான குத்தகை என்ன என்று சட்டத்தில் நிர்ணயம் செய்யப்படவில்லை. ஏற்கெனவே இருக்கிற மாமூல்படி, ஏற்கனவே செய்து கொண்ட ஒப்பந்தத்தின் பிரகாரம் அவன் வாரத்தையோ குத்தகையையோ கட்டவேண்டுமென்று கண்டிருக்கிறது. அதிகப்படியான வாடகையோ குத்தகையோ கொடுக்கவேண்டுமென்று கோர்ட்டிலே மனுச் செய்துகொண்டு விவசாயிகளின்மேல் ஒரு நிர்ப்பந்தத்தைக் கொண்டுவர சாத்தியம் இருக்கலாம்.

"The court shall cause notice of the deposit to be issued to landlord and determine, after a summary enquiry . . . ' என்று 3 (b) சொல்கிறது. விவசாயி ஏதாவது குத்தகையோ வாடகையோ கோர்ட்டிலே கொடுத்திருந்தால் அந்த மாதிரி குத்தகை எங்களுக்கு வந்திருக்கிறது என்று நிஜச்சுவாந்தாருக்கு நோட்டீஸ் கொடுத்து குத்தகை கொடுத்தது சரிதானு? சரியில்லையா? என்று கோர்ட்டார் நிர்ணயிக்கிறார்கள். அதிகப்படி கொடுக்க வேண்டுமென்று நிர்ணயித்தால், அதன் பிறகு விவசாயி மனுச்செய்து கொள்ளலாம். டைம் கொடுக்கலாம். . . ஆகையால், சர்க்கார் என்னுடைய திருத்தத்தை ஒத்துக்கொள்வார்களென்று நினைக்கிறேன்."

* Sri T. C. NARAYANAN NAMBIAR :—" My amendment is a very important one, Sir, which is to the effect that the time-limit given to the tenant should be enhanced from one month to one year. Otherwise, so many tenants will be evicted. I therefore plead that my amendment should be accepted. Sir, it is not a question of money or a question of expenses alone. In other cases, if the tenant does not pay within the time fixed, he will have to pay only some interest. But here it is a question of wholesale eviction and the tenant will be thrown in the street. I, therefore, request that my amendment may be accepted."

* Sri V. R. KRISHNA AYYAR :—" I have only a word or two to say. I support the suggestion made by my hon. Friend Sri Narayana Kurup, because unless it is made clear that ' superior landlords ' are also debarred from resorting to eviction proceedings and unless it is made plain that cultivating tenants will be protected, however low they may be in the picture, there is bound to be serious trouble. A similar position arose under the Malabar Tenancy Act and the High Court has repeatedly pointed out that the provision applied to the landlord and the superior tenant. So, there is always difficulty for the cultivating tenant if he happens to be a sub-tenant. He does not get protection. He cannot apply for relief and he will be bundled up if there is collusion between the tenant and the landlord above him. So the sub-tenant will be entirely without redress. We really seek to protect the cultivating tenant by this legislation and if that is the objective—there is no doubt at all about the objective—we should make it clear by introducing a provision in the Act that even though the tenant may not be the immediate tenant under the suing landlord or the plaintiff-landlord, even though he is a sub-tenant only, being the man actually cultivating as a tenant, he must be protected. I support the suggestion of Sri M. Narayana Kurup that the words ' or his superior landlord ' may be added after the words ' his

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landlord ' in sub-section (1) of Section 3, or, in the alternative the words ' or sub-tenant ' may be added after the words ' cultivating tenant '. ''

11-10 a.m. SRI K. R. VISWANATHAN :—'' Sir, under clause 3 of the Bill, a cultivating tenant should pay the rent within a month after the commencement of this Act or within one month after the rent becomes due. The previous several years have been years of drought and it will be very difficult for the tenant to find the money for paying rent or surplus grains for paying the landlord in lieu of rent within one month. So I have moved an amendment for extending the period of payment of rent to three months.''

*SRI P. VENKATESHA SHOLAGAR :—'' கனம் சபா நாயகர் அவர்களே, இந்த திருத்தத்தைப் பற்றி நான் கூறும்போது சில விளக்கங்களைக் கூறவிரும்புகிறேன். தென் கன்னட மக்களுக்கு ஒரு நில வெளியேற்ற தடை சட்டம் கொண்டு வந்து அவர்களை பல கஷ்டங்களிலிருந்து மீட்க வைத்து சௌகர்யம் செய்யவேண்டும் என்று இப்பொழுது இந்த சட்டத்தைக் கொண்டு வந்திருக்கிறார்கள். அதைப் போலவே தமிழ் நாட்டிலும் பார்த்தால் அதேநகம் நிலவெளியேற்றம் நடந்துகொண்டு வருகிறது. இந்த நிலைமையில் மலையாளம் தென் கன்னடம் போன்று தஞ்சை ஜில்லாவிற்கும் இந்த சட்டத்தைப் போன்ற சட்டம் கொண்டுவரவேண்டிய அவசியம் ஏற்பட்டிருந்தது. சமீபத்தில் கூட தமிழ் நாட்டில் விவசாயிகள் மகாநாடு கூட்டி அதில் 400 பிரதிநிதிகள் இருந்து இந்த நில வெளியேற்றத்தை நிறுத்தவேண்டும் என்று ஒரு தீர்மானம் போட்டு அதுவும் லட்சக் கணக்கான மக்களுடைய முன்னிலையில் தீர்மானம் நிறைவேற்றப்பட்டிருக்கிறது. ஆகவே இந்த நிலைமை மாகாணம் எங்கும் இருந்தும் கூட சர்க்கார் பல முறைகளில் அதை அலட்சியம் செய்துவருகிறார்கள். அப்போதைக்கப்போது ஏற்படும். சிற்சில பிரச்னைகளை மட்டும் சமாளிப்பதற்கு இதைப்போன்று கொண்டு வருகிறார்கள். அப்படி இல்லாமல் தமிழ் நாடு பூராவும் இந்த சட்டத்தைக் கொண்டு வந்து நில வெளியேற்றத்தை நிறுத்திவிட வேண்டும் இது விவசாயிகளின் ஜீவாதாரமான கோரிக்கை. ஆகவே இதை அலக்ஷியப்படுத்தாது தமிழ் நாடு அல்லது மாகாணம் பூராவுக்கும் விஸ்தரிக்க வேண்டும் என்று கேட்டுக் கொள்கிறேன்.''

* SRI T. C. NARAYANAN NAMBIAR :—'' Sir, I move—

' Add *the following as new sub-clause* (4) *to clause* 3 :—

'' (4) *The tenants evicted on or after 1st April* 1950 be *reinstated and to that effect this Act will have retrospective effect.*'' ' ''

SRI N. K. PALANISWAMI :—'' I second the amendment.''

MR. SPEAKER :—'' Motion moved—

' *Add* the following as new sub-clause (4) to clause 3 :—

'' (4) The tenants evicted on or after 1st April 1950 be reinstated and to that effect this Act will have retrospective effect.'' ' ''

* SRI T. C. NARAYANAN NAMBIAR :—'' Sir, the Government have admitted in the Statement of Objects and Reasons of this Bill that the landlords in South Kanara district have been evicting their tenants with a vengeance in anticipation of the fear that the Government may pass some legislation restricting evictions. From 1950 when the Malabar Tenancy Amendment Act

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was passed, landlords in South Kanara have been evicting their tenants on the presumption that some legislation banning eviction may be extended there also. Therefore I plead in my amendment that the tenants who were evicted from on or after 1st April 1950 should be reinstated."

* THE HON. SRI C. RAJAGOPALACHARI :—" Sir, may I intervene? We should not make matters more complicated than they need be. The need for this Bill is urgent. It is a short Bill which will have effect only for one year. If we think of expanding it to the whole State or re-open old cases by giving retrospective effect or include inter-district relations, that is relations between landlords in one district and tenants in another district or *vice versa*, the position will become more complicated. The best thing is to restrict the present Bill to the scope of its objects and get through it quickly. Hon. Members should not imagine that all the difficulties and complications that are expected in Malabar will arise in South Kanara. Our experience and even the information received from the hon. Members of this House is to the effect that affairs are smooth and easy in South Kanara. So we need not imagine more complications than what actually exists. In view of this, I hope the hon. Members will accept the advice given by the Mover of the Bill."

* SRI T. C. NARAYANAN NAMBIAR :—" Sir, it is not from a mere imagination of the difficulties that I have moved my amendment. The South Kanara District Ryots' Association, which is affiliated to the All-India Kisan Sabha, has represented this matter to me and therefore I have moved the amendment."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, the scope of the Bill is very simple and that is to give the tenants protection against eviction for a year. Conditions in South Kanara are pretty fair and things are going on smoothly. So hon. Members need not create unnecessary difficulties there. Hon. Members coming from South Kanara met together and came to the conclusion that the Bill would satisfy the present object in view.

" As regards the amendment for enhancing the period for payment of rent from one to three months, I submit that only the current rent is insisted upon and there is no demand for arrears.

" The other difficulties that have been pointed out will be covered by the Madras Indebted Agriculturists (Temporary Relief) Bill. The amendments are not acceptable, and I request hon. Members to withdraw them."

MR. SPEAKER :—" I will put the amendment and clause 3 to vote. Then I will take up the amendment given notice of by Sri S. S. Kolkebail for adding new clause 3-A. The question is—

' *For* the words " a month " wherever they occur, *substitute* words " three months ".' "

The amendment was put and lost.

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SRI S. S. KOLKEBAIL :—" I beg leave to withdraw my amendment."

The amendment was, by leave, withdrawn.

SRI S. RAMALINGAM :—" I beg leave to withdraw my amendment."

The amendment was, by leave, withdrawn.

SRI T. C. NARAYANAN NAMBIAR :—" I beg leave to withdraw my amendment which reads as follows :—

' In clause 3, sub-clause (2), *for* the words " a month " *substitute* the words " one year ".' "

The amendment was, by leave, withdrawn.

MR. SPEAKER :—" The question is—

' *Add* the following as new sub-clause (4) :—

" (4) The tenants evicted on or after 1st April 1950 be reinstated and to that effect this Act will have retrospective effect." ' "

The amendment was put and lost.

Clause 3 was put and carried.

New Clause 3-A.

SRI S. S. KOLKEBAIL :—" Sir, I move—

' *After clause* 3, insert *the following as clause* 3-*A* :—

" 33-*A. All suits proceedings in execution of decrees or orders and other proceedings—*

(a) for the eviction of tenants from their holdings or land, as the case may be, or in which a claim for such eviction is involved, whether in addition to a claim for rent or not, or

(b) in which the sale of the holding of a tenant for recovery of rent is claimed shall stand stayed." ' "

This clause is taken word for word from the Madras Tenants and Ryots Protection Act of 1949.

THE HON. SRI C. RAJAGOPALACHARI :—" The hon. Member should know that the object of this amendment will be covered by the Indebted Agriculturists (Temporary Relief) Bill. It is unnecessary to bring in the amendment here."

SRI S. S. KOLKEBAIL :—" The Moratorium Bill will cover the case. But what is to happen if that Bill is not taken up and passed tomorrow? "

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SRI S. RAMALINGAM :—" It may be referred to a Select Committee."

SRI S. S. KOLKEBAIL :—" So, just by way of abundant caution, I am introducing this amendment and I think the Government will have no objection to it. If anything, it may be redundant, if the other Bill is passed into law."

The amendment was duly seconded.

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" I oppose the amendment. As for stay of suits and other proceedings, the other Bill will make the necessary provision."

MR. SPEAKER :—" The question is—

' After clause 3, *insert* the following as clause 3-A :—

" 3-A. All suits, proceedings in execution of decrees or orders and other proceedings—

(*a*) for the eviction of tenants from their holdings or land, as the case may be, or in which a claim for such eviction is involved, whether in addition to a claim for rent or not, or

(*b*) in which the sale of the holding of a tenant for recovery of rent is claimed shall stand stayed."' "

The amendment was put and lost.

Clauses 4 and 5 were put and carried.

MR. SPEAKER :—" I shall now take up the Preamble and clauses 1 and 2. I must tell the House that the hon. Member Sri Ramalingam has given notice of the following amendment :—

' *For* the words " the District of South Kanara ", *substitute* the words " the State of Madras ".'

It is beyond the scope of the Bill. This Bill is intended for South Kanara. The hon. Member wants to enlarge the scope of the Bill so as to extend it to the whole of the State of Madras. So, it is out of order."

* SRI S. RAMALINGAM :—" கனம் சபாநாயகர் அவர்களே, இந்த மசோதா தென்கன்னட ஜில்லாவுக்குக் கொண்டுவரப்பட்டாலும் நான் கொடுத்திருக்கும் திருத்தம் லாங் டைட்டில் இன் சவுத் கானரா (**Long Title in South Kanara**) "என்றுதான் இருக்கிறது."

MR. SPEAKER :—" இது அவுட் ஆப் ஆர்டர். (**Out of order.**) So this amendment of his to the Long Title or the Preamble and a similar amendment to clause 1 are out of order. He has given notice of the following amendment to sub-clause (2) of clause 1 :—

' *Insert* the following before the word " *extends* " in line 3—" and the Tanjore Tenants and Pannaiyal (Protection) Act ".'

It is not relevant to the Bill and so, it is also out of order. Then comes the amendment of the hon. Member Sri K. R. Viswanathan."

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SRI K. R. VISWANATHAN :—" Sir, I move the following amendment that stands in my name :—

' For *the words* " *for a year* ", substitute *the words* " *until a comprehensive Land Reform Bill comes into force* ".' "

The amendment was duly seconded.

SRI S. S. KOLKEBAIL :—" I do not move my amendment in view of the assurance given by the Hon. the Chief Minister and the Hon. the Revenue Minister."

SRI K. R. VISWANATHAN :—" In the Statement of Objects and Reasons it is stated that just because landlords are afraid of the land reform proposals which are under the consideration of the Government, they have begun evicting the tenants on a large scale. It is only with a view to prevent that large-scale eviction that this Bill has been brought before this House. The time-limit of one year is not at all sufficient because already the Government have taken two years for the consideration of the Report of the Land Revenue Reforms Committee and I do not know whether within one year, they, in all sincerity, will be able to bring the Land Reforms Bill before the House. So, I would like to give permanent relief to the tenants through this Bill until the Land Reform Bill is brought before the House."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Such a vague expression cannot be put in law. What will come up, how it will come up, whether it will come up at all—these are all possibilities. So, this is not a very happy amendment and I cannot accept it."

The amendment was, by leave, withdrawn.

The Preamble and clause 1 were put and carried.

Clause 2.

* SRI A. RAMACHANDRA REDDIAR :—" Sir, I move the following amendment :—

' *In sub-clause* (*c*), delete *the words* " *or any waste, vacant or forest land* ".'

I am moving this very simple amendment in order to bring the definition of ' land ' into line with the definition of ' cultivating tenant ' and ' cultivation '."

The amendment was duly seconded.

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" I do not know what the object of this amendment is. The hon. Member is thinking in terms of conditions in North Arcot district. He must be aware that conditions in South Kanara are different from those in North Arcot."

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The amendment was, by leave, withdrawn.

Clause 2 was put and carried.

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I move—

' That the Bill be passed into law.' "

MR. SPEAKER :—" Motion moved—

' That the South Kanara Cultivating Tenants Protection Bill, 1954, be passed into law.' "

* DR. K. B. MENON :—" Mr. Speaker, Sir, at the fag-end of the debate of this Bill, I wish to say just a few words. If emotion is the weakness of a small Party, I submit that arrogance should never be the privilege of the powerful and the big. I shall now attempt to place a few sane facts in a very sane way."

* THE HON. SRI C. RAJAGOPALACHARI :—" I would like to know whether the hon. Member is referring to my remarks in which case I hasten to explain that it was not arrogance but the contrary of it. I want hon. Members who belong to small parties to be active, to be enthusiastic and even to be excited up to a point, and I am indicatively warning the majority party not to try to prevent such excitement too prematurely, which would only increase the reaction."

* DR. K. B. MENON :—" I shall leave the thing at that stage. South Kanara is our nearest and next neighbour, and the boundary of Malabar just merges or almost dissolves itself into South Kanara. There is, consequently, very much in common in physical features, in the habits of the people, in the economic and social position and, may I also add, in the exploitation of the poor by the rich, South Kanara is a typical example of that old adage."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, we are on the third reading stage and we cannot now discuss general principles. So, hon. Members have to confine their remarks only to the general working of the Bill and give suggestions with regard to the general working of the provisions of the Bill. Hon. Member Dr. Menon cannot take advantage of the third reading of the Bill to make a reply to the Hon. Chief Minister or to claim friendship with South Kanara and things like that." 11-30 a.m.

* DR. K. B. MENON :—" Sir, this is the first time that I am seeing serious objection being raised in this House against freedom of speech."

MR. SPEAKER :—" It is not a question of freedom of speech. As this is the third reading, the hon. Member has to confine his remarks to the general working of the Bill and the various clauses."

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* DR. K. B. MENON :—" I shall put it in a different way and give my opinion. I never knew that we were observing such technicalities till now, as the Hon. Leader of the House claims. I hope and trust that such technicalities will not be brought about in discussions of Bills at different stages."

THE HON. SRI C. SUBRAMANIAM :—" Then rules have to be abrogated ! "

MR. SPEAKER :—" It is not a question of technicality or any such thing. There are certain rules and we have to follow them. That is all."

* DR. K. B. MENON :—" Rules after all are a matter of convenience. (Laughter.) The situation in South Kanara is a typical example where only the people who ask for or agitate for a particular thing get it. It is only the crying child that gets milk. In Malabar, tenancy agitation has been 50 or 60 years old. For example, take the compensation paid to the tenants in Malabar and South Kanara. The whole history of legislation so far as South Kanara is concerned is barren of even a minor land tenure or land reform legislation. So, I do not wish to compliment the Government for bringing about this Bill, because I feel that any emergency legislation exposes the weakness of the Government. It shows lack of alertness on the part of the Government. The Government should have long ago realized that South Kanara was in need of land legislation and should have taken steps to introduce the measure long ago. The Government failed to do this in the last so many years and have brought about this legislation at the last minute. That being so, it is not a matter where the Government should be complimented, but it is matter to be regretted. I hope this emergency legislation is being passed for the time being and that the Government will make every effort to bring in a more comprehensive legislation as early as possible."

* THE HON. SRI C. RAJAGOPALACHARI :—" Sir, as for the general remarks, made by Dr. Menon, I do not propose to raise any technical objection. What I feel is, far from drawing an adverse inference, I am drawing a positive and favourable inference. So far as my experience goes, the relationship between the landlord and tenant in South Kanara, though very near to Malabar, does not present the same difficulties as it presents in Malabar. There is more accord, mutual understanding, moderation in treatment of one another in South Kanara. I am only hoping that the introduction of this small Bill will not create a new chapter in South Kanara. With these remarks, I commend the Bill to the acceptance of the House."

MR. SPEAKER :—" The question is—

' That the South Kanara Cultivating Tenants Protection Bill, 1954, be passed into law.' "

The motion was put and carried.

MR. SPEAKER :—" As to-day is Friday, the House will sit till 1 o'clock and meet again at 3 p.m. in the afternoon.

" Now the Hon. Revenue Minister may move his motion."

(2) THE MADRAS INDEBTED AGRICULTURISTS (TEMPORARY RELIEF) BILL, 1954.

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, . . ."

* SRI V. GOPALA GOUNDER :—" On a point of order, there is a resolution standing in my name with regard to the Indebted Agriculturists (Temporary Relief) Bill, 1954, that is now coming up for discussion. I do not find it useful to press my resolution with regard to this Bill. In this connexion, I want to make it clear that whatever I may say or what I may do with regard to this Bill may not be binding on the members of the Tamilnad Toilers Party taken as a whole."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I beg to move . . . "

SRI Y. MANJAYA SHETTY :—" During the discussion on the South Kanara Cultivating Tenants Protection Bill, hon. Member Sri Kolkebail referred to the ' cheek ' of Mr. Ananta Pai. May I know whether the Hon. Speaker has come to some decision whether it is a parliamentary or unparliamentary expression? "

MR. SPEAKER :—" I only said that I will go through the official proceedings and see what exactly Sri Kolkebail has said. I have been sitting here all the time and so I have not yet seen the proceedings. The hon. Member must give me some time."

SRI S. KOLKEBAIL :—" It is absolutely parliamentary."

SRI S. SWAYAMPRAKASAM :—" Sir, the Hon. the Minister for Revenue has moved that the Bill be taken into consideration. On a point of . . . "

MR. SPEAKER :—" He has not yet moved the Bill. As soon as he stood up, points of order were raised. So, let him move this Bill first."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Mr. Speaker, I beg to introduce the Madras Indebted Agriculturists (Temporary Relief) Bill [a], 1954, and move—

' That the Bill be taken into consideration at once.'

The object of introducing this Bill is as stated in the Statement of Objects and Reasons appended to the Bill itself. Hon. Members are aware that there has been continuous drought during the last five or six years in the State. It is only this year we have had timely rains and the agriculturists have welcomed it and are very enthusiastically taking to cultivation. Naturally, creditors will think that this is the best time for them to collect their dues from agriculturists and they will pounce upon them. This will retard the agriculturists' enthusiasm and make them not enthusiastic in their work. In order that the agriculturists may be spared the distractions and expenditure involved in litigation, this Bill has

[a] **Published in the *Fort St. George Gazette*, dated 6th January 1954.**

been brought to give them some time of relief. There is a Tamil proverb, ' when a creditor demands money from the debtor, he feels very upset and even the ruler of Ceylon felt so in his distress '. This Bill has been brought forward to provide some temporary relief to the tenants and agriculturists for at least a year."

MR. SPEAKER :—" Motion moved—

' That the Madras Indebted Agriculturists (Temporary Relief) Bill, 1954, be taken into consideration at once.' "

V.—POINT OF ORDER *re* REWORDING OF BILL TO REPLACE AN ORDINANCE.

* SRI S. SWAYAMPRAKASAM :—" I rise on a very important point of order, Sir. Just now the Hon. Minister for Revenue has moved that this Bill be taken into consideration at once. The Bill is intended to replace the Ordinance that was issued on 5th December 1953. The Ordinance has been working. Now, in the last paragraph of the Statement of Objects and Reasons relating to this Bill, it is stated that the ' present Bill seeks to replace the Ordinance by an Act of the Legislature '. In this Bill with reference to suggestions received with respect to the provisions of the Ordinance, certain changes have been made in the definitions of certain terms . . . . ' So the provisions of this Bill are not the same as the provisions of the Ordinance and certain important changes have been made in the Bill. The Ordinance has been issued under Article 213 (1) which empowers the Governor to issue Ordinances. It is a fact that Article 213 (1) of the Constitution gives power to the Governor to promulgate an Ordinance. But let us see what Article 213 (2) says. It reads as follows :—

' An Ordinance promulgated under this Article shall have the same force and effect as an Act of the Legislature of the State assented to by the Governor, but every such Ordinance—

(*a*) shall be laid before the legislative Assembly of the State, or where there is a Legislative Council in the State, before both the Houses, and shall cease to operate at the expiration of six weeks from the re-assembly of the Legislature, or if before the expiration of that period a resolution disapproving it is passed by the Legislative Assembly and agreed to by the Legislative Council, if any, upon the passing of the resolution or, as the case may be, on the resolution being agreed to by the Council.'

11-45 a.m. " Therefore, the printed copy should be placed before the House and Members should be given an opportunity to discuss it. In this connexion, I would like to read rule 117 of the Assembly Rules whose marginal note itself says ' Discussion of Governor's Ordinance '. It says—

' As soon as possible after the Governor has promulgated an Ordinance under clause (1) of Article 213 of the Constitution, printed copies of such ordinance shall be made available to the members of the Assembly. Within six weeks from the re-assembly of the State Legislature reckoned in accordance with the Explanation to clause (2) of Article 213 of the Constitution, any member may, after giving three clear days' notice to the Secretary, move a resolution disapproving the ordinance and if such a resolution is passed, it shall be forwarded to the other House with a message asking for its concurrence.'

This rule and Article 213 of the Constitution give an opportunity to the House to have a discussion on that Ordinance. It is open to any Member to move a resolution to disapprove of it. In fact, I

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understand that Mr. Gopala Gounder has given notice of a resolution asking the Government to withdraw the Ordinance and this has been done well within the stipulated period of notice, viz., three days. Apart from this, the Ordinance has undergone several changes. The scope of the Ordinance has been changed. It is not as if we are asked to replace the Ordinance. The Bill is a new Bill and has nothing to do with the Ordinance because it contains new provisions. The provision with regard to the applicability of the Bill has been changed. The rule specifically mentions the words 'such Ordinance' and, therefore, the House should discuss only the Ordinance in its original form and not this Bill. If the Government want to make any change in the Ordinance then the procedure is that the Government should bring forward official amendments to the Bill which replaces the Ordinance. Somehow the scope has been altered and the House cannot discuss this Bill because it is not the Ordinance that is sought to be replaced thereby. So, this Bill must be ruled out of order."

* THE HON. SRI C. SUBRAMANIAM :—" There is no question of this Bill being out of order. As far as the Ordinance is concerned, it has already been printed and placed on the table of the House for the information of hon. Members. With reference to the resolution and all that, it is open to anybody to move a resolution. The only specific point for the Hon. the Speaker to consider is whether the Bill is out of order. It is not necessary that the Bill should reproduce what is in the Ordinance word for word. If the Ordinance is not replaced by an Act within six weeks, then it will have no effect. We are bringing forward a specific Bill to-day. Of course we have made changes in some of the provisions of the Ordinance. When we pass this Bill we are passing a specific Bill and the Ordinance will cease to have effect hereafter except with reference to the action taken so far on the Ordinance. The Ordinance will cease to be in force when the Bill is passed into law. If we do not validate the entire Ordinance then it ceases to have effect and there is a specific provision in that respect in the Constitution. So, there is no question of this Bill being out of order."

MR. SPEAKER :—" Apart from the statement of the Leader of the House, I wish to inform the hon. Member that the Government have powers to change the wording of the Ordinance."

SRI S. SWAYAMPRAKASAM :—" I do not dispute that. This is a separate Bill and it must be treated as a separate Bill. If it is one to replace the Ordinance, then the provisions of the Ordinance should be reproduced *in toto* in the Bill."

THE HON. SRI C. RAJAGOPALACHARI :—" The point is very ingenious but there is no substance in it."

THE HON. SRI C. SUBRAMANIAM :—" To replace an Ordinance does not mean to reproduce its contents word for word. This is a Bill only to replace that Ordinance."

* DR. K. B. MENON :—" What I wish to add to what my friend, Mr. Swayamprakasam said is that it is not fair to the Members of the Assembly if Bills are introduced in this fashion. Bills are included in the agenda and supplied to the Members all of a sudden and they have no information at all about these. Now, this is a very important Bill and is slightly different from the Ordinance in its content. When the Bill is so important and affects the interests of the people so much and so intimately and when it goes beyond the scope of the Ordinance itself, I submit it should not be pounced on the Members. They must be given time to consider the Bill, to discuss it at leisure and it should not be pushed through in a few hours' time."

* THE HON. SRI C. SUBRAMANIAM :—" This point is quite different from what Mr. Swayamprakasam raised. Mr. Menon wants that the time-limit prescribed in the rules should be adhered to. But it is for the Hon. the Speaker to waive it. It is entirely in his discretion and he has done it. Now that he has allowed the Hon. the Minister to move the Bill, there is no question of any point of order arising as to the admissibility of the Bill."

* SRI V. R. KRISHNA AYYAR :—" I wish to submit that the technical point about the non-maintainability of the Bill, if I may so put it, may not be quite correct in itself. There are two distinct points, one raised by Mr. Swayamprakasam as to the tenability of the Bill before the House and the other raised by Dr. K. B. Menon that early notice was not given to Members to consider the Bill in detail. So far as the Constitution is concerned, Article 213 makes it quite clear that the Ordinance must be placed on the table of the House and that has been done. So far as the Bill is concerned, it is open to the Government to bring forward a Bill *de novo* as they do in any other case. This Bill can always be considered independent of and disconnected from the Ordinance. In that way, we have to come to be seized of this piece of legislation. Any amendment can be moved by Members to this Bill and it is open to the House to accept it or throw it out. The Ordinance will automatically lapse on the expiry of the six week period mentioned in the Constitution and nothing will be heard of it thereafter because it will be buried unostentatiously. The main point to be considered is whether the Government have got the power or the right to bring forward a new Bill. Of course, the phraseology used in the Bill is ' to replace the Ordinance '. The provisions of the Bill may be in excess of what the Ordinance contains. But the substance is the same. May be the Constitution does not say all these in so many words. It only says that the Ordinance must be placed on the table of the House and at the end of six week period, it will die a natural death if it is not replaced by a Bill. But it does not mean that the Government should prepare a Bill reproducing *ipsissima verba* the wording appearing in the Ordinance. It may be in conformity with the Ordinance or certain little alterations may be made. In this case, Sir, the Ordinance and the Bill should be understood disjunctively. The Ordinance will expire at the end of six weeks. The Bill may be considered as a fresh Bill unconnected with the Ordinance."

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* THE HON. SRI C. RAJAGOPALACHARI :—" On a point of order, Sir. (Laughter.) Mr. Swayamprakasam is rising to say something. I am trying to find out by a decision from the Chair whether the present discussion is over. Mr. Krishna Ayyar has given a ruling and Mr. Swayamprakasam is trying to answer it. I thought that the matter had been disposed of already."

MR. SPEAKER :—" Instead of Speaker giving a ruling, the hon. Member Krishna Ayyar has answered Mr. Swayamprakasam by giving his ruling." (Laughter.) 11-50 a.m.

* SRI S. SWAYAMPRAKASAM :—" Mr. Krishna Ayyar has said that according to clause (2) of Article 213 of the Constitution of India, the Ordinance should be laid before the Legislative Assembly and since this has been done in this case, the procedure adopted by the Government is correct. But that is not so. I say the procedure adopted by Government is wrong. According to clause (2) of Article 213, the printed copy of the Ordinance should be placed on the table of the House."

MR. SPEAKER :—" It has been done."

* SRI S. SWAYAMPRAKASAM :—" I do not dispute that. I admit that we have been supplied with a printed copy of the Ordinance. But let us see what is said in the latter part of clause (2) (*a*) of Article 213 of the Constitution. Whenever the Ordinance is placed on the table of the House, any hon. Member of the Legislative Assembly can bring in a resolution disapproving of the same before the expiry of six weeks from the re-assembly of the Legislature. I say that opportunity is denied to us now. We have now before us the Bill with modifications of the Ordinance. We do not have a Bill reproducing the Ordinance as it is. Then only we can say it is replacing the Ordinance. We have on the other hand a Bill before us containing provisions totally different from the one prescribed in the Ordinance. Mr. Gopala Gounder has given notice of a resolution disapproving the Ordinance. But now we have a Bill on altogether different lines. How can that resolution have any binding on this Bill? Therefore it is quite clear that the right of hon. Members of the House to disapprove of the Ordinance, a right given to us under the Constitution is now denied to us. It is clearly evident."

MR. SPEAKER :—" Mr. Gopala Gounder ought to have told me. When he had given notice of the resolution, he ought to have told me that on such and such a day it should be taken up. But he has not at all made any mention of it to me. He has kept quiet all along. Without the motion being moved, how can we have any discussion."

* SRI S. SWAYAMPRAKASAM :—" I would like to invite your attention, Mr. Speaker, to Rule 117 of the Madras Assembly Rules wherein it is specifically stated that any Member may, after giving three clear days' notice to the Secretary, move a resolution disapproving the ordinance and if such a resolution is passed, it

shall be forwarded to the other House with a message asking for its concurrence. Immediately after the receipt of Ordinance, the hon. Member Mr. Gopala Gounder had given notice of a resolution, disapproving the Ordinance, to the Secretary."

MR. SPEAKER :—" But he has not told me anything about the resolution, nor has he requested me that the same might be taken up on such and such a day."

* SRI S. SWAYAMPRAKASAM :—" According to the Assembly rules, Mr. Gopala Gounder has given the resolution, disapproving the Ordinance. But now we do not have the Ordinance for discussion. We have a Bill containing provisions altogether different from what was contained in the Ordinance. All the same, the Government say it is a Bill replacing that Ordinance. That is totally untrue. In fact, in the present Bill, even though the purport of the Ordinance was to give relief to agriculturists, that relief is taken away. Absentee landlords have been included under the term 'agriculturists,' which was not done in that Ordinance. Whereas the original Ordinance was intended to give relief to agriculturists, that right is now taken away by the present Bill containing different provisions which the Government all the time, maintain is a reproduction of the Ordinance."

* SRI V. BALAKRISHNAN :—" Sir, constitutional proprieties are involved in this case. I would like to know when the notice of resolution given by Mr. Gopala Gounder was received? Was it received before the introduction of this Bill? Was it given immediately after the issue of the Ordinance? "

MR. SPEAKER :—" I cannot answer off-hand."

* SRI V. BALAKRISHNAN :—" Well, Sir, according to the spirit of the Constitution, if the notice of resolution, had come in immediately after the promulgation of the Ordinance, then I believe it is right and proper procedure for this House to have a discussion and take notice of that resolution. But in this case the resolution and the present Bill have come simultaneously in the Agenda. I am at a loss as to which would be taken up first? You must consider whether simultaneous or dual consideration of these two will not militate against the spirit of the Constitution."

* SRI V. GOPALA GOUNDER :—" I have not got very much to say after my friend Mr. Swayamprakasam had clarified the position. I shall make the position clear with regard to my resolution. Immediately after the receipt of the Ordinance, I sent a resolution on the 29th December itself, expressing disapproval of the Ordinance. No notice was given to me up to this moment whether my resolution had been admitted or not or when it will be included or when it was included. Only to-day on coming here, I find my resolution as well as the Bill being put for consideration in the Agenda."

MR. SPEAKER :—" But the hon. Member ought to have told me before, about the resolution he had given notice of."

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* SRI V. GOPALA GOUNDER :—" I acted according to Rule 117 of the Assembly Rules. Immediately after the receipt of the copy of the Ordinance, I gave notice of my resolution. But now instead of the Ordinance, we have a Bill containing provisions altogether different from the one contained in the Ordinance. That has been pointed out by the hon. Member, Mr. Swayamprakasam. Now that we have the Bill and not the Ordinance, my resolution is of no use and I do not want to press it."

MR. SPEAKER :—" If there are changes made in the Ordinance, it is for the House to take cognizance of it and withhold it if it so chooses. The Speaker has nothing to say on it.

" Apart from that, the hon. Member Mr. Gopala Gounder ought to have informed me that he had given notice of a resolution or at least he ought to have requested me that his resolution might be placed on the agenda of 3rd or 4th January for discussion. But the hon. Member had not done so. He had not told me when it should be taken up nor has he written to me as to when the resolution might be taken up for discussion. He ought to have informed me."

* SRI V. GOPALA GOUNDER :—" Rule 117 says that I have to give only three clear days' notice to the Secretary to move my resolution. I have done so. I never expected the Hon. Speaker would delay in putting this resolution of mine before the House."

MR. SPEAKER :—" Even granting for argument's sake that the office had delayed the matter, the hon. Member ought to have brought it to my notice then and there. The hon. Member has not done so.

" Regarding the changes made in the present Bill, as I had already stated, the Speaker has nothing to do with them. It is for the House to take cognizance of it and do the needful. They can withhold sanction to it if they so like it.

" I shall now give my ruling. In my opinion, the present Bill is perfectly in order.

" It is now before the House for discussion. The discussion on it may begin."

III.—GOVERNMENT BILLS—*cont.*

(2) THE MADRAS INDEBTED AGRICULTURISTS (TEMPORARY RELIEF) BILL, 1954—*cont.*

SRI E. L. RAGHAVA MUDALIAR :—" Sir, I request time may be given for hon. Members to give notice of amendments to the present Bill. The Bill itself had been circulated only recently. Many of us are anxious to move amendments."

MR. SPEAKER :—" The discussion on the motion that the Bill be taken up for consideration now may now begin. Amendments to the Bill may be given notice of till 9 o'clock to-morrow morning."

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alternative source for these agriculturists. They should be enabled to get greater amounts from the Co-operative Credit Societies. Takkavi loans should be granted more generously. Hereafter, there should not be a niggardly provision in the Budget under the head, ' takkavi loans '. If the Government seriously want to help the poor agriculturists, there is no point in their passing this legislation without providing alternative source of credit. Their allotment to Co-operative Credit Societies should be considerably increased. There is no use of the Government simply removing the money-lenders from the scene without creating an alternative credit machinery which can be taken advantage of by the agriculturists. I hope the Government will look into the matter and accept my suggestion to make larger amounts available for these agriculturists under takkavi loans and to allot larger sums of money to Co-operative Credit Societies."

MR. SPEAKER :—" To-day being Friday, the House will adjourn at 1 p.m. and reassemble at 3 p.m. after lunch. It is desired by the Government that when the House reassembles after lunch, it should take up the Malabar Tenancy (Amendment) Bill for consideration. In that case the Hon. Leader of the House has to make a motion."

IV.—GOVERNMENT MOTION.

MOTION UNDER RULE 22 (3) OF THE ASSEMBLY RULES.

* THE HON. SRI C. SUBRAMANIAM :—" Mr. Speaker, I beg to move—

> ' *That under Rule* 22 (3) *of the Madras Assembly Rules, item No. IV, viz., the Malabar Tenancy (Amendment) Bill,* 1953 (*L.A. Bill No.* 12 *of* 1953), *in today's Agenda may be taken up before the Madras Indebted Agriculturists' (Temporary Relief) Bill,* 1954.' "

MR. SPEAKER :—" The Hon. Chief Minister, the Leader of the House and the leaders of parties have come to some conclusion with regard to this motion. So, I do not think there is any objection to this motion."

The motion was put and carried.

MR. SPEAKER :—" The House will now rise for lunch and meet again at 3 p.m."

(After lunch—3 p.m.)

III.—GOVERNMENT BILLS—*cont.*

(3) THE MALABAR TENANCY (AMENDMENT) BILL, 1953—*cont.*

MR. SPEAKER :—" We shall take up the Malabar Tenancy (Amendment) Bill, 1953. I shall take up clause 3 first since clause 2 deals with definitions and it can be taken up later."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" I have given notice of an amendment to introduce a new clause after clause 3. There is no amendment to clause 3 of the Bill and I hope I can move my amendment."

THE HON. SRI C. RAJAGOPALACHARI :—" Sir, we have an amendment proposing a new clause (clause 1-A) after clause 1. When shall we take it up? "

MR. SPEAKER :—" After we dispose of other clauses, we shall take up clauses 2 and 1 of the Preamble. No hon. Member has given notice of any amendment to clause 3 and so the Hon. the Minister for Law can move him amendment for inserting a new clause after clause 3."

SRI M. NARAYANA KURUP :—" Sir, clause 9 is intimately connected with section 9-H of the principal Act which is supposed to be repealed. Clause 3 seeks to amend this section so as to substitute the words ' Rent Settlement Authority ' with ' Rent Court '. Hence it can be taken up later."

MR. SPEAKER :—" Then, we shall take up clause 4. We shall come to clause 3 later, after we have disposed of section 9 of the principal Act."

SRI M. NARAYANA KURUP :—" I want you, Sir, to look into clause 12 which repeals section 9-H of the principal Act, which is closely connected with Rent Settlement Authority."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" The hon. Member has not given notice of any amendment to clause 12."

SRI M. NARAYANA KURUP :—" I oppose the clause which seeks to repeal section 9-H of the Act. Therefore, clause 3 cannot be taken up independently."

THE HON. SRI C. RAJAGOPALACHARI :—" The Government amendment seeks to insert a new clause 3-A. It has nothing to do with clause 3."

MR. SPEAKER :—" We shall take up then clause 4."

New clause 9-A.

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Mine is a new amendment and therefore I move it. It has nothing to do with clause 3. I move—

> ' *In the Explanation to clause (c) of section 4 of the principal Act*, for *the word* " *twenty-two* " substitute *the word* " *twenty-five* ".'

This is in respect of cultivation expenses. I would request hon. Members who have given notice of amendments in this regard not to move them."

MR. SPEAKER :—" Motion moved—

> ' In the explanation to clause (c) of section 4 of the principal Act, *for* the word " twenty-two " *substitute* the word " twenty-five ".'

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" I cannot prevent any hon. Member from moving his amendment. Let him say that he is not moving it."

SRI V. R. KRISHNA AYYAR :—" I am unable to say that I am not moving it. I accept 25 paras suggested by the Government provisionally."

THE HON. SRI C. RAJAGOPALACHARI :—" But he does not actually move his amendment."

MR. SPEAKER :—" That means he is not moving it. However, I shall read Mr. Krishna Ayyar's amendment for the information of the House—

' After clause 3, *insert* the following as new clause 3-A :—

" 3-A. *Amendment of section 4, Madras Act XIV of* 1930.—In section 4, for the existing Explanation, the following Explanation shall be substituted, namely :—

' *Explanation.*—Notwithstanding anything contained elsewhere in this Act for the purposes of fixation of fair rent under this section and sections 5 and 6-A, 25 paras of paddy shall be deemed to be the cultivation expenses per acre per crop except in the Wynaad, Kozhikode, Kurumbranad, Kottayam and Chirakkal taluks of the Malabar district and Gudalur taluk of Nilgiri district and any other notified area where 200 seers shall be deemed to be the said cultivation expenses :

' Provided that it shall be open to the court to fix any higher quantity of paddy as cultivation expenses in case of any land or class of lands.' " ' "

SRI T. C. NARAYANAN NAMBIAR :—" I want to move my amendment."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" I would request the hon. Member not to move his amendment."

THE HON. SRI C. RAJAGOPALACHARI :—" In order to help the other side, we have suggested an amendment. They have given notice of amendments which they do not actually move. If they do not move, then it may be taken as not moved because to extract the word ' withdraw ' seems to be rather difficult."

MR. SPEAKER :—" Then the hon. Member is not moving his amendment? "

SRI T. C. NARAYANAN NAMBIAR :—" I am not moving."

MR. SPEAKER :—" I shall read his amendment for the information of hon. Members—

' After clause 3, *insert* the following new clause ;—

" I. *Amendment of section 4 of the principal Act.*—In the Explanation, for the words ' twenty-two ', the word ' thirty ' shall be substituted." '

He has not moved this. Then, the next amendment relates to the same Member."

THE HON. SRI C. SUBRAMANIAM :—" He does not get up. It means that he is not moving it. Let not hon. Member later on say that he was prevented from moving his amendment."

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THE HON. SRI C. RAJAGOPALACHARI :—" We give him an opportunity. We do not steal his time. But they do not move."

SRI K. VINAYAKAM :—" I want to know, Sir, whether ' not moving ' means ' withdrawing '."

MR. SPEAKER :—" ' Not moving ' means that the amendment is not before the House. Withdrawal means that it was before the House but was withdrawn after discussion."

SRI K. VINAYAKAM :—" There are several amendments standing in the name of the hon. Member. If he does not want to move them, let him make it clear. It is not proper that he should be asked not to move, not to press and to withdraw. Let us know what is going on in the House. Let the Member be more explicit."

MR. SPEAKER :—" I cannot help promptings in the House. Members have their own parties and such things may go on."

THE HON. SRI C. RAJAGOPALACHARI :—" When Members do not press their amendments, there is no point in saying that we must get oral confessions from them. When the person does not do a thing, it means he does not do it, he does not press it."

SRI T. C. NARAYANAN NAMBIAR :—" I came just now, Sir, and it is my fault. Proceedings have already begun. I am unable to trace my amendment."

MR. SPEAKER :—" It is amendment No. 64."

3-10 p.m. THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" It is an amendment to an independent section and I request the hon. Member not to move it."

MR. SPEAKER :—" The difficulty is that there are a number of amendments and the hon. Members themselves are confused."

SRI C. H. KANARAN :—" Mr. Speaker, Sir, Amendment No. 63 has not been taken up and disposed of. I beg to move that amendment :—

New clause after clause 3.

' After *clause* 3, insert *the following new clause* :—

(i) Amendment of section 4 of the principal Act.—*In the Explanation, for the word " twenty-two ", the word " thirty " shall be substituted* '.

(ii) *In the proviso to the Explanation, the words " on application by the tenant " shall be added at the end.*' "

The motion was duly seconded.

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SRI C. H. KANARAN :—" കുക്കിച്ചെലവ് 25 പറ എന്ന് നിശ്ചയിച്ചു കൊണ്ട് ഗവർമ്മേണ്ട് ഒരു ഭേദഗതി കൊണ്ടുവന്നിട്ടുണ്ട്. ഏതായാലും അതിൽ കുറഞ്ഞ ഒരു സംഖ്യകൊണ്ടുവരാൻ ജന്മിമാർക്ക് സൌകര്യം കൊടുക്കയുണ്ട്. കുക്കിച്ചെലവു കുറച്ചുകൊണ്ട് വരും വർഷിപ്പിക്കുമെന്നുള്ള ഒരു സ്ഥിതി ഉണ്ടാകയുണ്ട്. കുക്കികൂലന്ന് രക്ഷ കിട്ടാൻവേണ്ടിയുള്ള ഒരു ഭേദഗതിയാണിത്. അതുകൊണ്ട് ഇതു സ്വീകരിച്ചേ തീരു. ഗവർമ്മേണ്ട് ഇതു സ്വീകരിക്കണമെന്ന അപേക്ഷിക്കുന്നു. "

* THE HON. SRI C. SUBRAMANIAM :—" Just one word of explanation, Sir. New Clause 3-A relates to amendment of clause (*c*) of section 4 of the parent Act. Unless there is an amendment corresponding to this, there is no point in considering the amendment of the hon. Member."

* THE HON. SRI C. RAJAGOPALACHARI :—" There is one other way. There is really no difference of opinion and we are spending time for nothing. There is no amendment to the new clause 3-A and it can be put to vote with the consent of the House and passed. Anything contrary to this will be out of order."

MR. SPEAKER :—" The Government have moved an amendment. Hon. Member wants to move an amendment to the Government's amendment. This amendment should be disposed of before I put that to the vote of the House."

* SRI N. GOPALA MENON :—" Mr. Speaker, Sir, there is really no necessity for this amendment because there is a proviso to section 4 which says 'Provided that it shall be open to the Rent Settlement Authority (now the Rent Court) to fix any other quantity of paddy as cultivation expenses in respect of any land or class of lands.' It will be thus seen that 25 paras have been fixed only tentatively. It is always open to a party to go to a Court and claim that the actual cultivation expenses really come to a much higher figure or even to a smaller figure. It is equally open to the Rent Court to decide the actual cultivation expenses. Therefore, I submit that there is no real necessity for this amendment which seeks to increase it from 22 paras to 30 paras."

* SRI P. K. GOPALAKRISHNAN :—" I want to support the amendment of the hon. Member Sri C. H. Kanaran. Twenty-five paras have been fixed as the minimum cultivation expenditure and very often it varies between 30 to 40 paras. This amendment to the Explanation is therefore quite necessary. I support it."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" I oppose it, Sir, because the allowance of 25 paras is most reasonable and one of the most active peasant workers has stated that that is absolutely sufficient."

MR. SPEAKER :—" I am putting the amendment of Sri C. H. Kanaran to the vote of the House. The question is—

' After clause 3, *insert* the following new clause :—

(i) *Amendment of section 4 of the principal Act.*—In the Explanation, for the word " twenty-two, " the word " thirty " shall be substituted.

(ii) In the proviso to the Explanation the words " on application by the tenant " shall be added at the end. ' "

The amendment was put and lost.

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MR. SPEAKER :—" The hon. Member Sri T. C. Narayanan Nambiar proposes to move an amendment (amendment No. 64) to section 5 of the parent Act. I would like to know whether it is in order."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Strictly speaking, it is not in order and I request the hon. Member to withdraw it."

* THE HON. SRI C. SUBRAMANIAM :—" In any event, the new clause 3-A will have to be put to vote. There is no further amendment with reference to that and then the question may be taken whether with reference to section 5 of the principal Act a new amendment can be allowed or not."

MR. SPEAKER :—" I now put the Government amendment to the vote of the House. The question is—

Clause 3-*A*.

' In the Explanation to clause (*c*) of section 4 of the principal Act, *for* the word " twenty-two ", *substitute* the word " twenty-five ".' "

The motion was put and carried.

SRI C. H. KANARAN :—" I want to move amendment No. 64."

MR. SPEAKER :—" The hon. Member wants to re-open section 5 of the principal Act. I do not know whether it is in order."

SRI C. H. KANARAN :—" I beg to move—

' *After clause* 3, insert *the following new clause* :—

Amendment of section 5 of the principal Act.—*In section 5 of the principal Act*—

(i) *clause* (a) *shall be omitted*;

(ii) *after clause* (b), *after the number* (ii), *the words " the enhanced portion of " shall be inserted*;

(iii) *in clause* (b), *the words " whichever is higher " shall be omitted*.'

" പുതുതായിട്ടുള്ള ഒരു ക്ലാസ് ഭേദഗതിയായി കൊണ്ടുവരാമോ എന്നുള്ള ചോദ്യത്തിനാണെങ്കിൽ, ഇഷ്ടിടെ പല ക്ലാസ്സിനും അങ്ങനെ ഭേദഗതികൾ കൊണ്ടുവന്നിട്ടുണ്ട്. ആ നിലക്കാണ് ഞാനും ഈ ഭേദഗതി കൊണ്ടുവന്നത് ? "

The amendment was duly seconded.

SRI M. NARAYANA KURUP :—" My submission is that the Government themselves have moved an amendment to section 4. Of course, we did not object to that. We are now dealing with an amendment with regard to fair rents, that is, Chapter II. Strictly speaking, this is not an amendment to a section."

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THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" We did not oppose it on that account."

SRI M. NARAYANA KURUP :—" This is an amendment to a section in the chapter dealing with fair rent. My submission is that the amendment is within the ambit of the Bill and that it does not enlarge the scope of the Bill. Of course, we are making mutual adjustments. Even though the amendment may not be directly related to a clause in the Bill, such amendments used to be taken up. A strict interpretation of the rules need not stand in the way." 3-20 p.m.

MR. SPEAKER :—" Having given sufficient time, I will put the amendment to vote. The question is—

' After clause 8, *insert* the following new clause :—

Amendment of section 5 of the principal Act.—In section 5 of the principal Act—

(i) clause (*a*) shall be omitted;

(ii) after clause (*b*), after the number " (ii) ", the words " the enhanced portion of " shall be inserted;

(iii) in clause (*b*), the words " whichever is higher " shall be omitted.' "

The amendment was put and lost.

Clause 4.

* SRI T. C. NARAYANAN NAMBIAR :—" Sir, I move—

' *In clause* (*a*) *of section* 6 *of the principal Act*, for *the word* " *one-fourth* ", substitute *the word* " *one twentieth* ".'

" This amendment is about the fair rent for kypad cultivation. Punjakole or kypad cultivation is a system of river-bed cultivation. The expenses involved in it are very high and such cultivation fetches practically nothing for the tenants. Therefore, it will be very difficult for them to pay as rent one-fourth of the gross produce. As some relief has to be given to the tenant, I have moved the amendment."

SRI C. H. KANARAN :—" Sir, I second the amendment."

* SRI N. GOPALA MENON :—" Sir, my Friend Sri T. C. Narayanan Nambiar says that the expenses involved in kypad cultivation are very high. I suppose punjakole and kypad cultivations are more or less similar. In this system, it is the landlord who bears the entire expenses of bund-building and the baling out of water. So far as punjakole cultivation is concerned, I am very definite. But I am not definite about kypad cultivation which is probably in vogue in North Malabar. What happens in punjakole cultivation in South Malabar is this. The bunds will

have to be thickened and the water will have to be baled out. These are expensive processes which are ordinarily done by the landlord at his own expense. What the actual cultivator does is merely to plough the land and sow the seeds. The reaping expenses are borne half and half by the landlord and tenant. This is a complicated system, and it will be unwise to reduce the rent from one-fourth to one-twentieth merely on the strength of the statement made by the hon. Member Sri T. C. Narayanan Nambiar that the cultivation expenses are high, without making any investigation. Even as it is, there is a lot of grumbling among landlords that their share has been reduced to one-fourth of the gross produce. Therefore, I submit that this should not be tampered with."

*SRI M. NARAYANA KURUP :—" Sir, the facts stated by my hon. Friend Sri Gopala Menon are not correct. If the landlord is himself cultivating, there is no question of rent. Kypad cultivation is cultivation of water-logged regions. Tenants engage machinery or manual labour to bale out water about knee-deep or even deeper. It is a very difficult cultivation. Kypad cultivation is not on a par with other systems of cultivation, because it involves heavy expenditure. That is why it has been treated on a different footing even in the original Act."

* SRI V. R. KRISHNA AYYAR :—" Mr. Speaker, Sir, regarding kypad cultivation, which is more or less the same as punjakole cultivation, Sri Gopala Menon spoke as if from personal experience. I have also some familiarity with that kind of cultivation. So far as I can gather, it is entirely wrong to say that the landlord bears the expenses of bunding up and the baling out of water and shares the harvesting expenses. It is unknown in the whole of North Malabar where kypad cultivation is widely prevalent. Kypad cultivation is more hazardous and the crop is more fluctuating, as such cultivation depends upon a series of uncertain factors. The amount of cultivation expenses is very heavy, relatively speaking. For instance, water inundation of the land is a common thing. If the rains do not come in time, there may have to be baling out of water and prevention of salt water entering from the sea or backwater and all kinds of complications will arise. Considerable attention and expenditure are required. That is why there has been agitation for a separate and differential treatment for punjakole and kypad cultivation. I, therefore, support the amendment moved by Sri T. C. Narayanan Nambiar."

THE HON. SRI C. SUBRAMANIAM :—" There is already a differential treatment."

SRI V. R. KRISHNA AYYAR :—" No doubt there is already a differential treatment in the Statute, but it is not at all fair. The proportion must be further reduced from the existing one-fourth to one-twentieth."

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THE HON. SRI C. RAJAGOPALACHARI :—" Hon. Members may be right in saying that Sri Gopala Menon has exaggerated the position. Even now it is one-fourth and not one-half and that is the difference."

SRI V. R. KRISHNA AYYAR :—" One-fourth of the gross produce."

THE HON. SRI C. RAJAGOPALACHARI :—" Three-fourths of the gross produce the tenant gets."

* SRI P. K. GOPALAKRISHNAN :—" The statement made by Sri Gopala Menon is not correct so far as South Malabar is concerned. I have got personal experience about punjakole cultivation in the constituency from which Mr. Gopala Menon hails. No landlord pays even a single pie for the construction of bunds or the baling out of water. About three-fourths of the gross produce will have to be expended on cultivation. If the tenant is to give the landlord the remaining one-fourth, there will be nothing at all left for the tenant."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" I oppose the amendment. The fair rent fixed is reasonable. I request the hon. Member to withdraw the amendment."

Sri C. H. Kanaran rose to speak.

MR. SPEAKER :—" It is a very bad practice for any hon. Member to rise after the Minister replies. Hereafter, if any Member wants to speak, let him stand up before the Minister replies."

SRI C. H. KANARAN :—"സാർ, കുട്ടാട് നിലങ്ങളെ സംബന്ധിച്ചിടത്തോളം മന്ത്രിമാക്ക് ശരിയായ വിവരമില്ല. അതിന് സാധാരണ ചെലവല്ല. ആകെ കിട്ടുന്നതിന്റെ ഏകദേശം മുക്കാൽഭാഗത്തിലധികം ചെലവാകും. നാലിലൊന്ന് എന്നു പറഞ്ഞാൽ കുഴിക്കാരന് ആദായമൊന്നുമായില്ലെന്ന മാത്രമല്ല, വളരെ നഷ്ടവും ഉണ്ടാകും. പുഞ്ചക്കോളിനെപ്പറ്റി എനിക്കു നല്ല അറിവില്ല. അതുകൊണ്ട് ഞാൻ അതിനെപ്പറ്റി ഒന്നും പറയുന്നില്ല".

THE HON. SRI C. RAJAGOPALACHARI :—*അവർകളുക്കുത്താൻ കാൽ പങ്കു കിടൈക്കപ് പോകിറതേ. അവർകൾതാനേ എടുത്തുക്കൊൾളപ് പോകിറർകൾ.*"

SRI V. R. KRISHNA AYYAR :—" On a point of order, Sir. May I know whether the Hon. Chief Minister spoke in Tamil so that he may not be understood by the Malabar Members? "

THE HON. SRI C. RAJAGOPALACHARI :—" I spoke in Malayalam."

MR. SPEAKER :—" The question is—

' *In clause (a) of section 6 of the principal Act,* for *the word* " *one-fourth* ", substitute *the word* " *one-twentieth* ".' "

The amendment was put and lost.

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MR. SPEAKER :—" I will put clause 4 to vote. Then I will take up the Government amendment to the proposed clause 4-A.'

Clause 4 was put and carried.

New clause 4-A and clause 17.

3-30 p.m. MR. SPEAKER :—" The Hon. Minister for Law will move his amendment."

SRI M. NARAYANA KURUP :—" There is an amendment to section 6-A of the principal Act given notice of by me. The amendment to be moved by the Hon. the Minister for Law seeks to amend section 7 of the principal Act. Therefore, I may be allowed to move my amendment first."

THE HON. SRI C. SUBRAMANIAM :—" The amendment of the hon. Members seeks to amend a section of the principal Act not contemplated by the Bill."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" We can take it up afterwards, Sir."

SRI M. NARAYANA KURUP :—" Let us take up the amendments seriatim. First, let us take up the amendment to section 6-A of the principal Act. Afterwards, we can take up the other amendments."

MR. SPEAKER :—" All right. The hon. Member Sri Narayana Kurup will now move his amendment."

SRI M. NARAYANA KURUP :—" Sir, I move the following amendment which stands in my name—

' *After clause* 4, insert *the following as clause 4-A* :—

" 4-A. *Amendment of section 6-A, Madras Act XIV of* 1930.—*In section 6-A, after the words ' the Nilgiris district ', the words ' and such other like regions in Malabar district to be notified by the Collector ' shall be added.*" '

Sir, section 6-A of the principal Act, gives more favourable terms in regard to paddy rent in mountainous areas than in other areas. Two taluks are mentioned therein for that purpose, namely, Wynaad and Gudalur taluks. The purpose of my amendment is to extend that concession to similar regions of other taluks. For instance, Nilambur and Attapadi in Walluvanad taluk are worse than Wynaad and Gudalur taluks. Those places are also malarial regions and the same conditions which prevail in Wynaad and Gudalur prevail there also. Therefore, I submit that my amendment is not a revolutionary one. The concession referred to may be extended also to other areas to be notified by the Collector as being similar in conditions to Wynaad and Gudalur."

The amendment was duly seconded.

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" I oppose the amendment because it is not necessary, all things being considered, the necessary restrictions have been put in the Act."

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MR. SPEAKER :—" The question is—

' After clause 4, *insert* the following as clause 4-A :—

" 4-A. Amendment of section 6-A, Madras Act XIV of 1930.—In section 6-A, after the words ' the Nilgiris district ', the words ' and such other like regions in Malabar district to be notified by the Collector ' shall be added." ' "

The amendment was put and lost.

SRI T. C. NARAYANAN NAMBIAR :—" Sir, there is an amendment of mine to the same section 6-A, namely, amendment No. 66."

MR. SPEAKER :—" I shall do one thing. I shall ask the Government to move their amendment. After it is moved, hon. Members may move their amendments."

THE HON. SRI C. SUBRAMANIAM :—" Sir, the amendment of the hon. Member introduces a new provision."

MR. SPEAKER :—" But if it comes within the scope of the Bill, I cannot help allowing it."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, I move the following amendment given notice of by me on 4th January 1954 :—

' After *clause* 4, insert *the following as new clause* 4-*A* :—

" 4-*A. Amendment of section 7, Madras Act XIV of* 1930.—*In section 7 of the principal Act*—

(i) *in sub-section* (1), *after the words ' fair rent ' where they first occur, the words, figures and brackets ' subject to sub-sections* (5), (6) *and* (7), ' *shall be inserted*;

(ii) *in sub-section* (2), *for the word ' one-sixth ', the word ' one-eighth ' shall be substituted*;

(iii) *after sub-section* (4), *the following sub-sections shall be inserted, namely* :—

' (5) *Fair rent determined under section 9-CC shall not exceed twice the rent payable for the agricultural year* 1949–50 *and fair rent determined under section 9-G shall in no case exceed twice the rent payable for the year immediately preceding the date of the application for revision.*

(6) *Where fair rent under sub-sections* (2) *to* (5) *exceeds the rent payable for the year* 1949–50 *or for the year immediately preceding the date of the application for revision, as the case may be, the increase shall be spread over more than one year so that in no year the rent shall be more than one and a quarter times the rent payable for the year immediately preceding.*

(7) *Notwithstanding anything contained in sub-sections* (5) *and* (6) *or section 9-E, the tenant may elect to pay in kind and, if he does so, the landlord shall be bound to accept, the share of the produce ascertained by the Rent Court in accordance with sub-sections* (2) *to* (4).' " ' "

* SRI T. C. NARAYANAN NAMBIAR :—" I move the following amendment which stands in my name :—

' *In sub-section* (2) *of section* 7 *of the principal Act*, for *the word* " *one-sixth* ", substitute *the word* " *one-twelfth* " *and* for *the word* " *one-third* ", substitute *the word* " *one-sixth* ".

' *In sub-section* (3) *of section* 7, for *the word* " *one-eighth* ", substitute *the word* " *one-sixteenth* " *and* for *the word* " *one-fourth* ", substitute *the word* " *one-eighth* ".

' Add *the following proviso to sub-section* (3) *of section* 7 :—

" *Provided that the usufructs belonging to the landlord will be deemed to have been not existing after twelve years from the date of this enactment coming into force for purposes of calculating rent.*" ' "

The motion was duly seconded.

SRI M. NARAYANA KURUP :—" Sir, we have reached the most important and the most controversial clause. Now, this subject has to be taken up along with clause 17 of the Bill which deals with section 28 of the principal Act, that is, payment of contract rent or fair rent, whichever is less. If one of these amendments is carried, then the other is out of place. Therefore, amendments to clause 17 dealing with section 28 of the principal Act as well as all the amendments to section 6-A of the principal Act will have to be moved and discussed in detail before we take a decision or before anything is put to vote."

* THE HON. SRI C. RAJAGOPALACHARI :—" I think the hon. Member Sri Narayana Kurup is quite right when he stresses the importance of this and he has also rightly stressed the contrary character of those amendments and this. That is why I rise to say that the amendment that has now been proposed by the Government meets all the difficulties, as far as the Government are able to do and, as I explained, it is fair and just, and any further extension will only make the phrase ' fair rent ' completely anomalous. We cannot say a thing is fair when we completely close the door against one party. Therefore it was that I said that hon. Members should accept the amendment of the Government as now proposed. It is complete. It may be opposed or it may be amended. It is quite right to say that both should be discussed together, but the discussion may not be prolonged. I hope hon. Members will accept the accommodation that has been given in the matter in the form of the present amendment."

MR. SPEAKER :—" I have no objection to the arrangement proposed."

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* SRI C. H. KANARAN :—" There is my amendment, amendment No. 62, about the definition of ' fair rent '."

MR. SPEAKER :—" We shall take it up afterwards."

* SRI C. H. KANARAN :—" Sir, my amendment seeks to define ' fair rent ' as meaning rent as determined in accordance with the provisions of Chapter II, but when the rent so determined exceeds the existing rent, the existing rent shall be the fair rent. This is really an amendment to the amendment that has been moved."

THE HON. SRI C. RAJAGOPALACHARI :—" If one amendment is accepted, the others go."

SRI V. R. KRISHNA AYYAR :—" It is quite true that if we accept one amendment, the others are automatically rejected. That is precisely why the hon. Members Sri Narayana Kurup, Sri Kanaran and I want our amendments to be brought in at this moment, because they are all cognate things and they could be discussed and disposed of together and the Government amendment may not be isolated and picked up for being moved."

THE HON. SRI C. RAJAGOPALACHARI :—" It is a question of time. We are discussing all the amendments."

SRI V. R. KRISHNA AYYAR :—" My amendment No. 31 deals with the same subject. The subject-matter is identical. Can I move that, Sir? " 3-40 p.m.

SRI M. NARAYANA KURUP :—" Sir, I suggest that we may take section 28 first. If one is disposed of, the other could be easily disposed. This is an important matter. If we cross the hurdle here, it will be easy to cross other hurdles. As this is a very important matter, it will necessarily take some time."

THE HON. SRI C. RAJAGOPALACHARI :—" Mr. Kurup's point seems to be that the Government amendment and the other amendments may be taken up together. They contradict one another. If one is passed, the other will automatically be rejected."

SRI S. RAMALINGAM :—" The idea is that all the amendments relating to this matter may be moved and discussed."

THE HON. SRI C. RAJAGOPALACHARI :—" Yes, always the discussion is common."

SRI V. R. KRISHNA AYYAR :—" As for my amendment No. 31 . . ."

MR. SPEAKER :—" I think we have disposed of the hon. Member's amendment No. 31."

SRI V. R. KRISHNA AYYAR :—" It has not been disposed of, Sir. This relates to a different matter."

SRI S. RAMALINGAM :—" There are two amendments having the same number 31. Sri V. R. Krishna Ayyar is referring to the first amendment."

SRI M. NARAYANA KURUP :—" Sir, I do not claim any particular virtue for my amendment. But, inasmuch as it covers the points at issue, I think the House can consider it."

THE HON. SRI C. RAJAGOPALACHARI :—" The principle underlying the hon. Members' amendments is the same, viz., adoption of either contract rent or fair rent, whichever is less. Whatever be the language, this is what is mentioned in the Praja Party's resolution as well as the Communist Party's resolution. The Government want to come to some compromise."

MR. SPEAKER :—" It is better if we follow the amendments in the order in which they are given."

SRI V. R. KRISHNA AYYAR :—" My amendment No. 31 relates to the same subject. All these are connected matters. This is my amendment, Sir. ' (i) After item (1), *insert* the following new item : " after clause (*f*) . . . . ." ' "

MR. SPEAKER :—" It relates to clause 2. When we take up clause 2 for consideration and discussion, the hon. Member may move it."

SRI T. C. NARAYANAN NAMBIAR :—" If one amendment is accepted, the other will be rejected automatically."

SRI K. M. SEETHI SAHIB :—" As the matter is not very clear , I would like to have clarification from the Hon. Minister concerned or from the Hon. the Chief Minister. With regard to the ceiling now placed as to the increased rent, may I know whether it applies to garden lands as well as wet lands?-"

THE HON. SRI C. RAJAGOPALACHARI :—" I think I have made it clear that the ceilings apply to all."

MR. SPEAKER :—" I will ask the Government to move their amendment. Then I will dispose of amendment No. 66. If Sri V. R. Krishna Ayyar wants to move his amendment No. 31, I have no objection "

SRI T. C. NARAYANAN NAMBIAR :—" I think we can take amendment No. 62 also along with amendment No. 66."

MR. SPEAKER :—" It relates to a different clause. How can that be moved here? When we come to the clause to which it relates, we can take up that amendment."

SRI C. H. KANARAN :—" When we fix fair rent, we must also provide that, ' either contract rent or fair rent, whichever was less ' must be adopted."

SRI M. NARAYANA KURUP :—" As the Hon. the Chief Minister has himself said that the Government amendment and our amendments are closely connected, I say all the amendments may be moved, discussed and voted upon."

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* THE HON. SRI C. RAJAGOPALACHARI :—" All these amendments may be deemed to have been moved. At the end, they may be separately put to the vote of the House, if necessary."

SRI T. C. NARAYANAN NAMBIAR :—" I have no objection to Sri Narayana Kurup moving his amendment."

SRI M. NARAYANA KURUP :—" Sir, I think if the Government move their amendment, i.e., new section 28, I can move my amendment."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, the objection seems to be that I have not moved clause 17, as reported by the Joint Select Committee. So, I move—

' *That clause* 17 *as reported by the Joint Select Committee do stand part of the Bill.*' "

MR. SPEAKER :—" Motion moved—

' That clause 17 as reported by the Joint Select Committee do stand part of the Bill.'

" Now, the hon. Member Sri Narayana Kurup may move his amendment."

SRI M. NARAYANA KURUP :—" Sir, I move my amendment . . ."

MR. SPEAKER :—" Let the hon. Member kindly tell the number of his amendment. We have got 90 amendments or so. Unless the hon. Member gives the number of his amendment, it will be very difficult to follow him."

SRI M. NARAYANA KURUP :—" Sir, I move amendment No. 13 standing in my name which reads as follows :—

' For *the proposed section* 28, substitute *the following* :—

" 28. *The maximum rent payable by every cultivating tenant, of a holding other than a kanomdar or a customary verumpattomdar, every tenant of a commercial site who is entitled to fixity of tenure under the Act, every tenant of a kudiyiruppu, every holder of an ulkudi and every holder of a kudikidappu shall be fair rent fixed under this Act or the rent which he has been paying before, if such rent is less than the rent thus fixed.*" ' "

SRI K. T. SREEDHARAN :—" I second the amendment, Sir."

MR. SPEAKER :—" Motion moved—

' *For* the proposed section 28, *substitute* the following :—

" 28. The maximum rent payable by every cultivating tenant, of a holding other than a kanomdar or a customary verumpattomdar, every tenant of a commercial site who is entitled to fixity of tenure under the Act, every tenant of a kudiyiruppu, every holder of an ulkudi and every holder of a kudikidappu shall be fair rent fixed under this Act or the rent which he has been paying before, if such rent is less than the rent thus fixed." ' "

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3-50 p.m. SRI M. NARAYANA KURUP :—" Sir, before speaking on my amendment, I will have to refer to the proposed section 28 which reads as follows :—

'28. Every cultivating tenant of a holding other than a kanomdar or customary verumpattamdar, every tenant of a commercial site who is entitled to fixity of tenure under this Act, every tenant of a kudiyiruppu. every holder of a protected ulkudi and every holder of a kudikidappu shall be bound to pay to his landlord—

(*a*) in case fair rent has been determined under section 9-CC, such fair rent as modified in appeal, if any, under section 9-D,

(*b*) in case there has been no such determination, the rent agreed to by both the parties to be the fair rent payable in accordance with the provisions of sections 4 to 9-B,

(*c*) in case there is no such agreement, the fair rent, if any, fixed under this Act, as it stood before the commencement of the Malabar Tenancy (Amendment) Act, 1951 (Madras Act XXXIII of 1951), or

(*d*) in case no fair rent has been fixed as aforesaid, the rent payable according to the contract, express or implied between the parties :

Provided that in the case mentioned in clause (*a*), where there is a contract, the tenant shall, until the expiration of the period of contract, pay at his choice, either the contract rent or the fair rent and shall thereafter pay the fair rent.'

The main difference is with regard to the question as to what is the rent payable by a tenant, when to-day he is paying a lesser amount. I do not want to say much in detail because of the fact that the tenants in Malabar to-day are paying very exorbitant rent. One hon. Member gave a very rosy picture of the income of the tenants. But it is our experience and it is the experience of all that what the tenant gets to-day is not what is fixed or determined by the Tenancy Act, but very much less. As you know, the 1930 Act fixed the tenant's share of the income as one-third of the net produce. But as has been observed by everyone who went into the question, land especially South Malabar is notoriously and grievously rack-rented. Not only that. It was in 1953 that an American expert who was engaged by the Government of India to advise them on agrarian questions that observed, after a careful survey of the conditions in Malabar and Tanjore, that the cultivating tenants were giving the landlords 75 per cent of the gross-produce. You will contrast this 75 per cent which the tenants give to the landlords with the one-third net which they are entitled to. Therefore it is that we plead for the intercession of the Government to reduce the rack-rent. The Government have often interfered and always interfered to protect the weaker section which is in this case the tenant class. The enactments made by the Government were always intended to protect the tenant and to give him relief in respect of the contract wherever the tenant had contracted more favourable terms. It has never been the practice for the Government to say that the tenants must pay more. It is exactly in this respect that my amendment differs from the Government amendment. The simple question before the House is whether in a tenancy legislation as a result of the measure which the Government bring forward the tenants' burden should be increased or whether the existing state

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of things should continue where the tenant has got advantageous terms. The Hon. the Chief Minister said that words were immaterial. But I do believe that words are material, very material in dealing with such a question. The expression ' contract rent or fair rent, whichever is less ' will not suffice because we know what is meant by ' contract rent '. It means this legally. Suppose a tenant has taken lands on lease for a particular period of years. Within that period it will be construed as contract rent. But all those who are acquainted with conditions in Malabar know that the leases especially in respect of paddy lands are registered only for one year and even leases for longer periods are only ' holding over '. Leases may be for sixty years and the lessee may be holding the land under the same conditions. That is why I have said the liability of the tenant is to pay only the fair rent or the existing rent whichever is less.

" Then, Sir, I most vehemently oppose clause (*b*) of the proposed section 28, because, as I said, the aim of the Government should be to give protection to the tenants against contracts. This clause means to give legal sanction to contracts entered into by parties even though it might be that the rent is higher than the rate fixed by this enactment. It says—

' (*b*) In case there has been no such determination, the rent agreed to by both the parties to be the fair rent payable in accordance with the provisions of sections 4 to 9-B.'

Take the case where a tenant has filed a petition to get the hundred rupees rent that he has been paying reduced to a reasonable level. If the landlord is able to get the signature of the tenant to a document saying that the rent was Rs. 150, then this clause (*b*) will validate that agreement. I can understand if complete fixity is given to the tenant. But that is not given. Still we have a provision which is capable of such interpretation as I pointed out. Therefore, it is such a mischievous clause which is not to be found in any other tenancy legislation.

" Then the proviso says—

' Provided that in the case mentioned in clause (*a*), where there is a contract, the tenant shall, until the expiration of the period of contract, pay at his choice, either the contract rent or the fair rent and shall thereafter pay the fair rent.'

This is definitely in favour of the landlord. You will find, Sir, there is a principle embodied here that where the terms of the contract are favourable to the tenant, the Government say that he must pay the higher rent. Take for instance, the clause dealing with pepper. There it is said that the rent payable by the tenant is one-sixth and that it must be paid every sixth year and every 12th year. But there also there is a proviso saying that if the tenant has contracted for payment every year, that should be paid accordingly. We know that it is the most oppressive provision."

MR. SPEAKER :—" The hon. Member is making a very long speech."

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SRI M. NARAYANA KURUP :—" I am contrasting this to show that where the contract is favourable to the landlord, it is given effect to and where it is favourable to the tenant it is given the go-by. If such provisions are included in the Bill, the Government must be prepared to face the accusation that they intend to favour the landlord wherever possible. I strongly press that the tenant's liability should never be increased and that it should continue as it is. I, therefore, commend my amendment to the House for its acceptance."

* SRI V. R. KRISHNA AYYAR :—" Sir, in seconding the amendment, I have hardly a word to add to what Mr. Narayana Kurup has mentioned. The Hon. the Chief Minister has been saying in season and out of season that the notion of fairness will always be adhered to and that fair rent will be really fair. It is like saying that if it is in favour of the tenant, then the fair rent should be denied and if it is against him, then it should be given effect to. This is the very basic notion of the Government and this is most unjust. It is not mere legalistic argument that I put forth. I want that the system of compelling the tenant to pay a rent that is unreasonable should be put an end to.

4 p.m. " Public opinion has all along been that the existing rents which are high should be brought down so that these poor gullible folk, I mean, the poor tenants might carry on their work with satisfaction. But what is now sought to be done is a strange thing. All along the fair rent has been less than the contract rent agreed to between the landlords and tenants, because the landlords had the upper hand and they dictated their own terms and the poor tenants for fear of eviction agreed to those terms. This was the state of affairs prior to 1951. But after 1951 Act when some sort of fixity of tenure was given to the tenant and fair rent was fixed statutorily by the Rent Settlement Authority the provision was laid down giving the option to the tenant to pay either the contract rent or fair rent whichever was less. But that provision is now deleted. It is an accepted principle, in fact it has been the accepted policy of the people of Malabar irrespective of party affiliations to stick to that principle enabling the tenant to pay whichever was less. That was what the former Ministry also accepted when the 1951 Act was passed and put into force from 15th March 1952. I do not know by what logic it is now proposed to delete that valuable provision. If the Hon. Chief Minister were to characterize this important provision as simply a verbal one without attaching the importance it deserves, may I crave his indulgence to accept the amendment of Mr. Narayana Kurup which is more or less on the same lines as mine and which in fact stipulates that the maximum rent which a cultivating tenant has to pay in respect of a holding for which fixity of tenure has been given shall be the fair rent fixed under this Act or the rent which has been paying before, if such rent is less than the rent thus fixed. In fact, it has been the cry all along from all quarters of Malabar that the poor cultivator should not be rack-rented and that he should be given some protection. When with that laudable object this tenancy legislation is brought forth, I do not see any reason

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why this provision, prohibiting the tenant from paying either the contract rent or fair rent whichever is less, a provision on which the whole crux of the problem lies, is now deleted. May I appeal to the good sense of the Hon. Chief Minister if only verbal stipulations alone hurt his conscience, to accept the amendment of Mr. Kurup to which I had already referred. As I have stated before let us not do away with the salient provision in the original Act enabling the tenant to pay the lesser of the contract or fair rent, when all along the cry has been there that the poor cultivator should be given security and all that. Let us understand that it is the landlord who has the upper hand. If you do not give the benefit of paying the rent which is less of the two, to the tenant, then he has no other go but to pay the landlord the contract rent which in all probability will be higher than the fair rent. That is the pitiable situation in which the tenant is placed. Let us remember that. In fact if one were to ascertain public opinion in Malabar, there will be only one voice and that voice will be in support of the provision enabling the tenant to pay the rent either the contract or fair rent whichever is less. In fact, that has been what the tenants had been clamouring for all along. So, I request that either my amendment or Mr. Kurup's amendment running on similar lines may be accepted. I do not know how the Hon. Chief Minister thinks that, by accepting this amendment, the notion of fairness would be violated. On the other hand, I am inclined to think that the acceptance of that amendment would, on the other hand, strengthen the hands of the tenant, for whose welfare this tenancy reform is contemplated."

MR. SPEAKER :—" Let Sri Seethi Sahib now move his amendment."

SRI K. M. SEETHI SAHIB :—" I now move my amendment :—

> ' For *the existing proviso under the proposed section* 28 *(d) (of the principal Act and now clause* 17 *of the present Bill)*, substitute *the following* :—
>
> " *Provided that in the case mentioned in clause (a) where there is a contract, express or implied, the tenants shall pay the contract rent or the fair rent whichever is less.*" ' "

The amendment was duly seconded.

* SRI K. M. SEETHI SAHIB :—" While moving my amendment, let me also support the amendment of Mr. Krishna Ayyar and Mr. Kurup, for all these try to fulfil the same purpose, by enabling the tenant to pay the rent either the contract or fair rent, whichever is less. There seems to be an opinion that the existing rent, I mean, the contract rent which has been agreed to be paid by the tenant to the landlord, was fixed many years back and that it is reasonably liable to be revised, occasionally. Evidently it is thought that that rent is very low. But I think people forget the fact that these rents were subject to periodical revisions every twelve years and that when renewals were effected, the rents were

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enhanced. Thus the contract rent that is prevalent now is the result of periodical revisions and looking at it from the tenants' point of view it is fairly high and hardly within his capacity to pay. Now that fixity of tenure is assured for the tenant and there is provision for fixation of fair rent, it is but fair and reasonable that the tenant should be allowed to pay either the fair rent or in case the fair rent is not fixed, and he is bound by the contract he had entered into between himself and the landlord, the contract rent whichever is less. The tenant should be given the opportunity to choose the lesser of the two. I think it is but fair and reasonable that our amendment seeking to provide the benefit of paying the rent which is less, is fair and reasonable. I think the acceptance of that amendment would go a long way to satisfy the needs of the peasants and improve the relationship between the landlord and tenant, which is so necessary to step up food production. My amendment as well as the amendments of Mr. Krishna Ayyar and Narayana Kurup are on almost identical terms. Any one of the amendments may be accepted."

MR. SPEAKER :—" I think, Mr. Shafee has also given notice of the same amendment. Let him formally move it."

SRI KUNHI MUHAMED SHAFEE :—" Sir, I move—

' For *the existing proviso under the proposed section* 28 (*d*) (*of the principal Act and now clause* 17 *of the present Bill*), substitute *the following* :—

" *Provided that in the case mentioned in clause* (*a*) *where there is a contract, express or implied, the tenants shall pay the contract rent or the fair rent whichever is less.*" ' "

The motion was duly seconded.

MR. SPEAKER :—" Motion moved—

' *For* the existing proviso under the proposed section 28 (*d*) (of the principal Act and now clause 17 of the present Bill), *substitute* the following :—

" Provided that in the case mentioned in clause (*a*) where there is a contract, express or implied, the tenants shall pay the contract rent or the fair rent whichever is less." '

" I think Mr. Gopalan wants to move an amendment. Let him move it."

SRI K. P. GOPALAN :—" Sir, I move—

' *In the proviso to the proposed section* 28 (*d*), for *the words* " *pay at his choice, either the contract rent or the fair rent and* " substitute *the words* " *pay either the contract rent or the fair rent, whichever is less, and* "."

" While moving my amendment, I also support the amendment moved by M. Narayana Kurup."

SRI P. K. GOPALAKRISHNAN :—" I second it."

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MR. SPEAKER :—" Motion moved—

' In the proviso to the proposed section 28 (*d*), *for* the words " pay at his choice, either the contract rent or the fair rent and " *substitute* the words " pay either the contract rent or the fair rent, whichever is less, and ".' "

* SRI P. K. GOPALAKRISHNAN :—" While supporting the amendment, I wish to point out the necessity for allowing the tenant to pay the fair rent or contract rent whichever is less. This is an important provision. The Hon. Chief Minister has not taken care to point out how the fair rent is arrived at. He seems to be under the impression that the fair rent in fact is much lower than the contract rent. It is not true. In the fixation of fair rent proper allowance should be made for cultivation expenses. That has not been taken into account. I shall now come to the coconut gardens. The Hon. Law Minister had now come forward with an amendment proposing that rent should be one-eighth of gross-produce. It may be in certain areas that the cultivation expenses are low. But that cannot be taken into account in arriving at the fair rent. It should be noted in this connexion that watering and manuring of coconut gardens costs much. It is the tenant who has to undertake all these works. Therefore when we take the gross-produce into account for fixation of fair rent, we must make due allowance for cultivation expenses, viz., the labour which the tenant had undertaken to raise the produce. The same is the case in respect of cultivation in wet lands in Malabar. But what do we find in this Bill? The valuable suggestion enabling the tenant to pay either the contract rent or fair rent whichever is less is removed. If that is not acceptable to those sitting in the Treasury Benches at least Mr. Narayana Kurup's amendment may be accepted."

* SRI T. C. NARAYANAN NAMBIAR :—" I am supporting the amendment just moved. In fact, all the amendments given notice of by us are almost identical in the respect that we want to reduce the burden on the poor tenant. From time immemorial the cry has been there to lessen the rack-renting of tenants. But now what is done? Not only is the valuable provision enabling the tenant to pay either the contract rent or fair rent whichever is less is removed from the original Bill drafted in 1950 but the power to increase the rent is now provided for. I say unless and until the original provision enabling the tenant to pay either the contract or fair rent whichever is less is restored, all the tenants of Malabar would be doomed. If the present state of affairs continue, the poor tenants have got to pay 100 or 150 per cent more than the rent which they should normally be expected to pay."

* DR. K. B. MENON :—" I wish to make a last minute appeal to the Hon. the Chief Minister not to press his point of view. I know that in 1951 when Sri Madhava Menon introduced his last Bill, this provision of contract rent or fair rent, whichever was less, was there. The Congress mind then was like that and I do not know of anything that has happened during the last two or three years that has made the Congress change its mind. If the 4-10 p.m.

Congress was fair then, I wish the Congress to be fair to-day and I therefore appeal to the Hon. the Chief Minister not to press the Government amendment."

* THE HON. SRI C. RAJAGOPALACHARI :—" Sir, every attempt has been made to put a political complexion, a political interpretation and a political consequence on what is now going on. I do not think that we should look at things in that way. A great deal of argument was advanced by Sri Narayana Kurup that all these things show one by one that the Government are in favour of landlords. If he thinks that anything can be gained for his party or for his Friends by enunciating such a construction, he is free to do so. But the Government are not ashamed of being just, whether it is in favour of the landlord or whether it is in favour of the tenant. It is not any definite policy of the Government to favour one or the other. There is no creed or dogma to be accepted in this matter. It has been suggested that it should be a dogma with the Government always to be in favour of the tenant as against the landlord. Why? It is because the tenants are the class of people who are larger in number and therefore it is ' public opinion ' and the opinion which is in accordance with justice. If it is in favour of the landlords, it is the opinion of a smaller number of people and therefore it is not ' public opinion ' and should be rejected. Sir, all this is fallacious. It is extremely bad besides being fallacious. We should all decide to do things justly. Now, it was rightly pointed out to me and it was again indicated here that if it is a question of rack-rent we should try to reduce it till it reaches the normal level. But all the information that we have had—at any rate that I have had—is that the landlords in Malabar have dealt with their tenants far more justly, far more kindly and far more humanly than landlords in other places. That is my impression. It is no good looking at a few odd big janmis and getting jealous of their good condition and way of living and then imagining that everybody is badly treated. Hon. Members coming from Malabar do not know or care to compare the ratios that are prevailing between the landlord's share and the tenant's share in other parts of the country. Otherwise, they would not have been saying all this and they would be more grateful to the generous janmis who have been fair hitherto. But we need not come to a decision on that. Opinions may differ. Now, because it was alleged that the basis of the whole thing is the fairness of what is called the ' fair rent ', if that is correct, then it will be agreed that ' fair rent ' should be fair rent for either side. I accept that proposition. I asked them where the basis was wrong. After considering the matter further, we said that the cultivation expenses in the case of paddy lands should be raised to 25 paras instead of 22 paras. With regard to coconut gardens, it was mentioned that the labour that the tenant puts in over raising coconut plantations should be taken into account and that a large handicap must be given in his favour. We admitted that and that is why the ratio is further reduced in the case of coconut garden lands. Now, taking all these things into consideration, we have tried to make

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out a formula for just treatment of the tenants. It has allowed for the mistakes that are possible and we have presented this formula. If this is all taken together without forgetting one when we are dealing with another, it will be seen that the formula which the Government have evolved by this amendment makes the whole thing quite fair and proper. Then again it was said that a sudden rise in prices may happen. If a thing is shared in a particular ratio, say 1/6th or 1/8th or 1/12th, both the landlord and the tenant get their corresponding share because it is in kind, but when it is converted into money, then the question of prices comes in and in recent times prices have risen very high. So when there was no fixity, the landlord was agreeable to take a very low rent converted into money so to say for he was content with it and that is why I say that the landlord in Malabar is better than the landlords elsewhere. He was content with it for a long time. Can we hit him in both ways? We must either make it possible for him to get a better tenant or we must allow him to get a fair rent from court. That is what is provided for. Then it was said that even though it may be just in terms of money value according to present day prices of commodities like coconuts, pepper and the like, it may be too much of a sudden rise. It was asked : 'Last year the tenant was paying Rs. 5. Is he to pay Rs. 175 this year?'. He won't be asked to pay Rs. 175. If last year he was paying a rent of Rs. 5. it can never go beyond Rs. 10 and that too spread over a number of years before that Rs. 10 is reached. But if we exaggerate the premises, we get these anomolous results. If last year a man was paying Rs. 5 and if he is asked to pay Rs. 20 now, it may be wrong. Under the present proposal you cannot raise it to more than Rs. 10 at the most. Even if you go to a court, it cannot be increased beyond this. Very probably you will get decree for a much smaller sum. If what is unexpected happens and it is doubled, then it has to be spread out. Therefore, I submit that we have met the difficulties from every point of view and the House should be one in accepting this. But I am sorry that parties are eager to push their own case forward and make out that the Government are bad and favouring the landlords. We will try to meet such propaganda as best as we can."

SRI M. NARAYANA KURUP :—" Sir, the Government said that they were not ashamed of the position taken by them and we on our part are not the least ashamed for the position taken by us which we think is just. The Hon. the Chief Minister made out that the landlords of Malabar were very generous and he will not give credence to anything that we are saying because it comes from the Opposition. He need not believe us, but I will quote a paragraph from the speech of ex-Minister Sri Madhava Menon who introduced the Bill describing the pitiable condition of the tenants of Malabar. He said : 'As I said now, the present position of rent in Malabar, ordinarily—of course, there may be exceptions—is that the actual cultivator gets very little from the land. In Malabar, the landlord does not spend anything by way of seed, or cultivation expenses or fertiliser or manure; but the

seed and entire cost of cultivation are borne by the tenant and so the tenant practically gets nothing; but perhaps in some cases he may get some straw '."

THE HON. SRI C. RAJAGOPALACHARI :—" After all that long and eloquent speech, he has reduced it to a certain extent and we are reducing it more. What is the point of reading that speech? "

SRI M. NARAYANA KURUP :—" He might have reduced it in spite of himself! "

THE HON. SRI C. RAJAGOPALACHARI :—" But he has made a generous speech! "

SRI M. NARAYANA KURUP :—" Under the 1951 Act, the rent could not be increased in the first five years and even with regard to the rest it was spread over a period of 15 years with the result that the entire rent would be claimable only at the end of 20 years. Can the Government contend that the provision which they have now made is an improvement over section 28 of the 1951 Act? The principle that we have advanced is a principle which is accepted by all jurists and by persons who have had anything to do with this subject on governmental side. Sri N. Raghavendra Rao who considered this question aptly says that in cases where the prevailing rent is lower than the fair rent fixed, he would recommend no change and that the existing rate which has been in force for a long time may be presumed to be fair according to the general principles of fixing the rent and allowed to continue. I have nothing to add to this."

4-20 p.m.

* SRI T. C. NARAYANAN NAMBIAR :—" On a point of personal explanation, Sir. The Hon. Chief Minister said that we were advocating this principle for propaganda purposes and that it was all a competition or race between parties. It is not at all so. In 1948 the Government convened a conference at Kozhikode in which different interests participated. This principle was unanimously accepted by the conference. This is a life and death question for the Malabar peasants. That is why we are pressing the principle.

" It was argued that the Government should be fair to all parties. That is right. As far as landlords are concerned, in certain cases the rents are very low. I have got a paramba in Narath village. At present the landlord is a Nambudri, manager grandfather's property. He thought it was his pride and glory to of a temple. We are paying only a nominal rent. It was my be the tenant of a Nambudri, the manager of a temple. So he leased out his land in favour of the temple and he became a tenant of course on a very nominal rent. But actually the land was in our hands.

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" That is why, Sir, in certain cases the rent is very low. But now, if this principle of contract rent or fair rent whichever is less is not accepted and the provision made by the Government stands as it is, the rent can be enhanced considerably. That is the reason why I say that the principle contained in the amendment moved by Sri M. Narayana Kurup should be accepted by the Government."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Mr. Speaker, Sir, I oppose the amendments. We have taken into account the share payable by the tenant as fixed by the 1951 Act. We have taken samples from each taluk and I may tell the House that nowhere is the rent enhanced to two, three or four times. Only in Fort Cochin, there is a rise from the existing rate of rent. Reference was made to the remarks of Sri K. Madhava Menon. The then existing condition was bad. A committee was formed and in that committee all these things were considered. Sri E. M. Sankaran Namboodiripad was a member of that committee and he also gave a minute of dissent to the report of that committee. Then none of the members raised the point that the rent fixed was excessive. In spite of that, we had talks with the Members of the Opposition and reduced the rent still further. Even for the enhancement, we have provided a ceiling limit of twice the existing rent and the increase is spread over a number of years. There is another factor also which we have taken into consideration. The landlord is not at liberty to go to the Rent Court for the determination of fair rent for three years from the date of the commencement of this Act. So for three years the rent will not be enhanced, unless the tenant himself applies to the Court and gets it enhanced. I think the proportion that we have fixed in the Bill is reasonable."

SRI T. C. NARAYANAN NAMBIAR :—" Under Madhava Menon's Act of 1951, the period is five years, but under this Act it is three years."

THE HON. SRI C. RAJAGOPALACHARI :—" Are we now competing with Sri Madhava Menon or making a law? "

MR. SPEAKER :—" The question is—

' *For* the proposed section 28, *substitute* the following :—

" 28. The maximum rent payable by every cultivating tenant of a holding other than a kanomdar or a customary verumpattomdar, every tenant of a commercial site who is entitled to fixity of tenure under the Act, every tenant of a kudiyiruppu, every holder of an Ulkudi and every holder of a Kudikidappu shall be fair rent fixed under this Act or the rent which he has been paying before if such rent is less than the rent thus fixed." ' "

The amendment was declared lost.

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A poll was demanded and the House divided thus :—

Ayes 38.

Sri C. Ahmed Kutti.	Sri C. Kunhirama Kurup.
„ T. S. Ardhanari.	„ K. Madhavan Nambiar.
„ A. Ayyaru.	Dr. K. B. Menon.
„ V. Balakrishnan.	Sri K. Moidu.
„ M. Chadayan.	„ M. Mottayan.
„ P. Chokkalingam.	„ M. Narayana Kurup.
„ P. K. Gopalakrishnan.	„ M. Narayana Nambiar.
„ K. P. Gopalan.	„ T. C. Narayana Nambiar.
„ K. C. Gopalan Unni.	„ M. Palaniandi.
„ M. Kandaswami Kandar.	„ P. B. K. Rajachidambaram.
„ C. H. Kanaran.	„ K. T. Raju.
„ M. Kattimuthu.	„ S. Ramalingam.
„ S. S. Kolkebail.	„ P. Rangaswami Reddiar.
„ O. Koran.	„ V. Sankaranarayana Menon.
„ V. R. Krishna Ayyar.	„ K. M. Seethi Sahib.
„ R. Krishnan.	„ K. T. Sreedharan.
„ E. T. Kunhan.	„ A. K. Subbiah.
„ Kunhi Mohamed Shafee.	„ P. Venkatesha Sholagar.
„ P. Kunhirama Kidav.	„ K. Vinayakam.

Noes 66.

Sri L. Anandan.	Sri B. K. Nallasamy.
„ T. Ananta Pai.	„ O. A. Nanjappa.
„ A. Appu.	„ L. C. Pais.
„ K. S. Ardhanareswara Gounder.	„ R. M. Palaniappan.
„ R. S. Arumugam.	„ V. C. Palanisami Gounder.
„ S. R. Arumugam.	„ S. Panchaksharam.
„ V. Arumugam.	„ N. Rajagopal.
„ B. Bhakthavatsalu Naidu.	„ C. Rajam Ramasami.
„ V. S. Chinnaswami Naidu.	„ K. Rajaram.
„ Chinnathambi Thevar.	„ A. Ramachandra Reddiar.
„ V. Darmalinga Nayakar.	„ N. Ramakrishna Ayyar.
„ T. P. Elumalai.	„ V. K. Ramasamy Mudaliar.
„ N. Gopala Menon.	„ S. Ramasamy Naidu.
„ G. Govindan.	„ P. S. Rangasamy Naidu.
„ H. M. Jagannatham.	„ A. Sambasivam.
„ T. M. Kaliannan.	„ E. K. Sankara Varma Raja.
„ M. Kandasamy Padayachi.	„ T. V. Sannasi.
„ P. G. Karuthiruman.	„ P. Selvaraj.
„ P. S. Krishnasami Ayyangar.	The Hon. Sri A. B. Shetty.
„ V. Krishnaswami Padayachi.	Sri Somasundara Gounder.
„ R. Krishnaswami Naidu.	The Hon. Sri C. Subramaniam.
„ R. Kuppuswamy.	Sri I. K. Subramania Pillay.
The Hon. Sri K. P. Kuttikrishnan Nair.	„ M. Subramania Nayakar.
The Hon. Sri M. A. Manickavelu Naicker.	„ R. Thangavelu.
Sri P. G. Manickam.	„ M. D. Thiagaraja Pillay.
„ Y. Manjaya Shetty.	„ S. Thinakarasami Thever.
„ M. Marimuthu.	„ P. K. Thirumurthi.
„ M. S. Mogral.	„ G. Vagheesam Pillay.
„ N. Mounaguruswamy Naidu.	„ B. Vaikunta Baliga.
„ M. S. Muniswami Pillay.	„ O. Venkatasubba Reddi.
„ V. Muthu.	„ S. Venkatrama Ayyar.
„ M. C. Muthukumaraswami.	„ K. Venkatramana Gowda.
	„ K. Venkataswamy Naidu.
	„ S. C. Virupakshiah.

Neutral—Nil.

Ayes—38. *Noes*—66. *Neutral*—Nil.

The amendment was lost.

4-40 p.m. The amendments of the hon. Members Sri Seethi, Shafee and Sri Gopalan were, by leave, withdrawn.

SRI M. NARAYANA KURUP :—" Of course, my amendment has been defeated. But the proposed section 28 has a number of clauses. So, the amendment to this section may be put to the vote of the House clause by clause."

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MR. SPEAKER :—" I am going to put clause 17 to the vote of the House. When we come to section 28, we can consider that."

SRI M. NARAYANA KURUP :—" I request the Chair to put it to the vote of the House clause by clause."

MR. SPEAKER :—" I do not understand what the hon. Member says. I am going to put clause 17 to the vote of the House."

SRI M. NARAYANA KURUP :—" I have not been correctly understood, Sir. Clause 17 makes amendments to section 28 of the principal Act. There are so many clauses in this section. I request that those clauses may be put to vote separately."

MR. SPEAKER :—" It is a wrong procedure."

SRI M. NARAYANA KURUP :—" I submit it is quite within the competence of the Chair to put to vote each clause separately when there are various clauses in a section."

MR. SPEAKER :—" The Speaker can separate them but we should not do a thing in the wrong way."

Then clause 17 was put and carried.

MR. SPEAKER :—" I shall now put the amendments of the hon. Member Sri Narayanan Nambiar. The question is—

' In sub-section (2) of section 7 of the principal Act, *for* the word " one-sixth ", *substitute* the word " one-twelfth " and *for* the word " one-third ", *substitute* the word " one-sixth ".

' In sub-section (3) of section 7, *for* the words " one-eighth ", *substitute* the word " one-sixteenth " and *for* the word " one-fourth ", *substitute* the word " one-eighth ".

' *Add* the following proviso to sub-section (3) of section 7 :—

" Provided that the usufructs belonging to the landlord will be deemed to have been not existing after twelve years from the date of this enactment coming into force for purposes of calculating rent." ' "

The amendments were put and lost.

MR. SPEAKER :—" I shall now put the Government amendment, namely, amendment No. 4 to vote. The question is—

' 4. After clause 4, *insert* the following as new clause 4-A :—

" 4-A. Amendment of section 7, Madras Act XIV of 1930.—In section 7 of the principal Act—

' (i) in sub-section (1), after the words " fair rent " where they first occur, the words, figures and brackets " subject to sub-sections (5), (6) and (7)," shall be *inserted*;

(ii) in sub-section (2), for the word " one-sixth ", the word " one-eighth " shall be substituted;

(iii) after sub-section (4), the following sub-section shall be inserted, namely :—

" (5) Fair rent determined under section 9-CC shall not exceed twice the rent payable for the agricultural year 1949–50 and fair rent determined under section 9-G shall in no case exceed twice the rent payable for the year immediately preceding the date of the application for revision.

(6) Where fair rent under sub-sections (2) to (5) exceeds the rent payable for the year 1949–50 or for the year immediately preceding the date of the application for revision, as the case may be, the increase shall be spread over more than one year so that in no year the rent shall be more than one and a quarter times the rent payable for the year immediately preceding.

(7) Notwithstanding anything contained in sub-sections (5) and (6) or section 9-E, the tenant may elect to pay in kind and, if he does so, the landlord shall be bound to accept, the share of the produce ascertained by the Rent Court in accordance with sub-sections (2) to (4) " " ",","

4–50 p.m. The amendment for the insertion of a new clause 4-A was put and carried.

Clause 5.

* SRI C. H. KANARAN :—" I move the following amendment that stands in my name :—

'*In item* (i), for *the words* " *sixth year* " substitute *the words* " *tenth year* ".'

" സാർ, കുരുമുളകു തോട്ടങ്ങളെ സംബന്ധിച്ചു കെ. പി. സി. സി. ഒരു സബ്ജക്ട് കമ്മറ്റിയെ നിയമിച്ചിരുന്നു. ആ സബ്ജക്ട്കമ്മറ്റി പോലും 1/8 എന്നു ശുപാർശ ചെയ്തിട്ടുണ്ട്. ആറിലൊന്നെങ്കിലുള്ളതു പത്തിലൊന്നെന്നാക്കണമെന്നാണ് എന്റെ ഭേദഗതി. കുരുമുളകു കൃഷിക്കു ചെലവു വളരെയുണ്ട്. മറ്റുള്ള വിളവുകൾക്കു നിശ്ചയിക്കുന്നതു പോലെ കുരുമുളകിനു നിശ്ചയിക്കുന്നതു ശരിയല്ല. കുരുമുളക് തോട്ടങ്ങളുടെ വില നോക്കിയാൽ, സ്ഥലങ്ങൾ ഇപ്പോഴായ വിലക്കു വാങ്ങിയിട്ടുള്ളവയാണ്. ഏക്കറിനു മുപ്പതു കയിലധികം ആവുകയില്ല. എന്നാൽ കൃഷിചെലവ് ഏക്കറിന് 2,500 ഉറുപ്പികയിലധികം വരും. ആറിലൊന്നാണ് ജന്മിയുടെ അവകാശമായിട്ടു കണക്കാക്കിയിരിക്കുന്നതു്. കെ. പി. സി. സി. സബ്ജക്കമ്മറിതന്നെ പറയുന്നതു 1/8 കൊടുക്കണമെന്നാണ്. ഞാൻ 1/10 എന്നതെ എന്റെ ഭേദഗതികൊണ്ടുദ്ദേശിക്കുന്നുള്ളൂ. ഗവർമ്മേണ്ടു് അതു സ്വീകരിക്കുമെന്നു വിശ്വസിക്കുന്നു. "

* SRI T. C. NARAYANAN NAMBIAR :—" I second the amendment, Sir. In doing so, I wish to mention one or two points. As far as garden lands are concerned, we have made our position clear. Even according to the existing provision of the Malabar Tenancy Act, the rent is three times the assessment in the case of dry lands. It is by the sweat and toil of the tenants that these pepper vines are grown. I do not see any justice in demanding that one-sixth has to be paid. Under the existing provisions

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relating to tenants' vines in garden lands, one-eighth of the produce is the fair rent. As the dry lands are far inferior to garden lands, the rent must be of a lesser proportion. In the case of these dry lands, the tenants have to spend quite a lot of money for making improvements. The tenants should not be penalised for the additional labour that they put and for the additional expenditure that they have to incur on these dry lands. So I request that this amendment may be accepted."

MR. SPEAKER :—" Motion moved—

' In item (i), *for* the words " sixth year ", *substitute* the words " tenth year ".' "

* SRI V. R. KRISHNA AYYAR :—" I have only a word just to point out whether there is any justice or fairness in this provision. In the case of dry lands, I wish to submit that they are far inferior to garden lands. That being so, the tenants on dry lands should not be asked to pay the same share to the landlord as the tenants cultivating ferile lands. Such a provision is against all sense of justice. If the Government think that this is a just provision, then it is all right. Let them think so. But the fact is, it is against all canons of justice. Even the K.P.C.C. Special Committee which was appointed to study the agrarian problem came to the conclusion that the tenants who raise these pepper gardens by their own labour should be shown some consideration and should not be asked to pay the same share as other tenants cultivating fertile lands. I therefore submit that the amendment may be accepted."

SRI M. NARAYANA KURUP :—" Sir, I have a request to make the Hon. Speaker. If I remember aright, on former occasions when Bills were considered, every sub-clause used to be put by you for discussion as well as vote."

MR. SPEAKER :—" Can the hon. Member please tell me when I put the sub-clauses? I have put only the clause as a whole for discussion as well as vote."

SRI M. NARAYANA KURUP :—" In some cases, the Hon. Speaker has put the sub-clauses one by one and then the clause as a whole to the vote of the House. So . . ."

MR. SPEAKER :—" Can the hon. Member point out one instance from the Official Proceedings in which I have done in the manner suggested by the hon. Member? I am sure I would not have done that. I would have put only the clauses as a whole and not sub-clauses."

SRI M. NARAYANA KURUP :—" Where the various sub-clauses of a particular clause deal with an important matter and where they are different, they have been put to the vote of the House."

MR. SPEAKER :—" Let me again tell the hon. Member that I would not have put sub-clauses to the vote of the House. I would have put only the main clauses to the vote of the House."

SRI M. NARAYANA KURUP :—" Sir, I have given notice of an amendment (No. 5) to omit item (iii) of clause 5 which deals with contract rent. It is provided that the tenant is liable to pay the rent in the sixth year and then in the 12th year. The effect of the proviso is that if there is a contract, the tenant will be liable to pay one-sixth in each year. The bone of contention between the landlord and the tenant is, what is the rent payable and what is the share that each should get. If it is fixed as once in six years or once in twelve years, the landlord will take the entire produce at the 12th year or the 6th year as the case may be, and there will be no controversy. Otherwise, there will be interminable controversy between the landlord and the tenant and the tenant will be subjected to considerable harassment. Therefore, I wish to say that no useful purpose will be served by inserting the proviso. It will only embitter the relationship between the landlord and the tenant. The usual practice in these areas is for the landlords to take the share in the sixth year and then in the twelfth year. Therefore, this unnecessary and harassing proviso need not be incorporated in this clause."

* SRI K. P. GOPALAN :—" Sir, I move my amendment No. 28 which reads as follows :—

> *'In item* (i), for *the words "every sixth year"* substitute *the words "every eleventh year".'"*

SRI R. KRISHNAN :—" I second the amendment, Sir."

SRI K. P. GOPALAN :—" Sir, I come from a constituency where there are thousands of acres of pepper gardens. So I know the position of the pepper gardeners very well. If we take into account the condition of pepper growers, I can say without fear of contradiction that the properties of 90 per cent of them have been mortgaged. Especially in North Malabar, there is a custom according to which every fifth year, the janmis' or landlords' agent will go to the tenant and he will fix the yield. He will fix it in such a way as to enable the landlord to get a larger share. That is the custom obtaining in North Malabar, especially in Payyanur firka. Owing to some reason or other, the yield may not be good in some years. Even in such years, the poor tenants will have to give the share of the landlord. In this way, I know many of the tenants have been ruined in Payyanur firka. I request the Hon. Chief Minister to look into the matter and accept my amendment so that these people may derive some real benefit out of this Bill."

SRI P. K. GOPALAKRISHNAN :—" Sir . . . "

MR. SPEAKER :—" The hon. Member need not move the first part of his amendment No. 41. It is enough if he moves the second part."

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SRI P. K. GOPALAKRISHNAN :—" Sir, I move the following amendment standing in my name :—

' (ii) *In item* (ii) for *the words* " *six years* " substitute *the words* " *eleven years* ".'

Sir, wherever the rent is payable in cash under the contract it should be open to the tenant to continue to pay it in cash. I request the Government that the existing system of paying rent in money may not be disturbed wherever the landlord and tenant may have agreed. Let the Government allow the existing practice in this regard to continue. That is all what I want to say, Sir."

The amendment was duly seconded.

SRI V. R. KRISHNA AYYAR :—" Sir, I move— 5 p.m.

' *In item* (i), for *the words* " *every sixth year* ", substitute *the words* " *every eighth year* ".' "

The amendment was duly seconded.

SRI V. R. KRISHNA AYYAR :—" I move—

' *In item* (ii), for *the words* " *six years* ", substitute *the words* " *eight years* ", and for *the words* " *sixth year* ", substitute *the words* " *eighth year* ".' "

The amendment was duly seconded.

SRI E. T. KUNHAN :—" Sir, I move—

' *In item* (ii) for *the words* " *six years* " substitute *the words* " *ten years* " and for *the words* " *sixth year* ", substitute *the words* " *tenth year* ".'

' *In item* (iii), for *the second proviso*, substitute *the following* :—

" *Provided further that where under the existing contract rent is payable in money or in some other manner than the crop of the year or share in the crop of a year, it shall be open to the tenant to continue on the existing basis notwithstanding which has been stated above.*" '

' *In sub-section* (3) *of section* 8 *of the principal Act*, for *the word* " *one-eighth* " substitute *the word* " *one-twelfth* ".' "

The amendment was duly seconded.

SRI M. NARAYANA KURUP :—" Sir, I move—

' Omit *item* (iii) *of the clause*.' "

The amendment was duly seconded.

SRI V. R. KRISHNA AYYAR :—" Sir, I move—

' Omit *item* (iv) *of clause* 5.' "

The amendment was duly seconded.

SRI T. C. NARAYANAN NAMBIAR :—" Sir, I move—

' Add *the following as item* (v) :—

" (v) *after sub-section* (4), *the following sub-section shall be inserted, namely* :—

' (5) *A cultivator who raises punam or fugitive cultivation shall not be bound to pay by way of rent or compensation per year more than twice the annual assessment payable in respect of the land so cultivated.*' " ' "

The amendment was duly seconded.

* SRI V. R. KRISHNA AYYAR :—" Sir, under the existing law, the tenant is not entitled to any reduction of rent if in respect of a holding—say under paddy—there is complete failure of crops on account of drought conditions. What I say is if there is a revenue remission there should be a proportionate reduction of rent. On account of the compounded tax system in Malabar, unless both the crops fail, there cannot be any revenue remission in respect of wet lands. On account of the Board Standing Orders and other technical rules framed by the Government, there is no abatement with regard to the rent notwithstanding the general failure of crop. I only want that the Court should be in a position to order a just reduction in rent where there is a general failure of crops."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, I oppose all the amendments before the House and would request the House to accept clause 5 as it stands. There is no enhancement of the rate of fair rent. You know that even Mr. E. M. Sankaran Nambudripad in his dissenting minute has stated that only 1/6 need be taken as constituting fair rent. He is a man who knows the situation in Malabar and he is one who is working for the welfare of the people. We differ only in respect of ideologies. Sir, it has been brought to our notice that in respect of garden lands the same principle is not maintained. That is because this is a mixed garden where commercial crops are grown. As you know, Sir, prices have gone up to 3,000 to 3,500 rupees from Rs. 300 obtaining previously in respect of pepper. So, there is no scope for reducing the proportion of rent and I submit the Government have proposed a most reasonable rent."

SRI M. NARAYANA KURUP :—" Is it the contention of the Government that they will believe in the statements made by persons on this side and not those made by their own friends who are sitting in the House? "

THE HON. SRI C. RAJAGOPALACHARI :—" I thought the hon. Member was quoting profusely from other people's opinions."

SRI C. H. KANARAN :—" Sir, the position is in places like Chirakkal and Kottayam, the share system does not prevail. I cannot agree to the share proposed by the Government."

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THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" I come from Malabar and I know the position."

SRI V. R. KRISHNA AYYAR :—" The Hon. the Chief Minister has said nothing at all about reduction of rent with reference to cases where there is a general failure of monsoons."

THE HON. SRI C. RAJAGOPALACHARI :—" There is no use of appealing to the Chief Minister when all his attempts at trying to get at a settlement have thoroughly failed."

MR. SPEAKER :—" I shall now put the amendments to the vote of the House. The question is—

' In item (i), *for* the words " sixth year ", *substitute* the words " tenth year ".' "

The amendment was put and lost.

MR. SPEAKER :—" The question is—

' In item (i) *for* the words " every sixth year ", *substitute* the words " every eleventh year ".' "

The amendment was put and lost.

MR. SPEAKER :—" The question is—

' In item (ii) *for* the words " six years ", *substitute* the words " eleven years ".' "

The amendment was put and lost.

MR. SPEAKER :—" The question is—

' In item (i) *for* the words " every sixth year ", *substitute* the words " every eighth year ".' "

The amendment was put and lost.

MR. SPEAKER :—" The question is—

' In item (ii), *for* the words " six years " *substitute* the words " eight years ", and *for* the words " sixth year " *substitute* the words " eighth year ".' "

The amendment was put and lost.

MR. SPEAKER :—" The question is—

' In item (ii) *for* the words " six years ", *substitute* the words " ten years " and *for* the words " sixth year " *substitute* the words " tenth year ".

' In item (iii), *for* the second proviso, *substitute* the following :—

" Provided further that where under the existing contract rent is payable in money or in some other manner than the crop of the year or share in the crop of a year, it shall be open to the tenant to continue on the existing basis notwithstanding which has been stated above."

'In sub-section (3) of section 8 of the principal Act, *for* the word "one-eighth" *substitute* the word "one-twelfth".'"

The amendment was put and lost.

MR. SPEAKER :—"The question is—

'*Omit* item (iii) of the Clause.'"

The amendment was put and lost.

MR. SPEAKER :—"The question is—

'*Omit* item (iv) of Clause 5.'"

The amendment was put and lost.

MR. SPEAKER :—"The question is—

'*Add* the following as item (v) :—

"(v) after sub-section (4), the following sub-section shall be inserted, namely :—

'(5) A cultivator who raises punam or fugitive cultivation shall not be bound to pay by way of rent or compensation per year more than twice the annual assessment payable in respect of the land so cultivated.'"'"

The amendment was put and lost.

Clause 5 was put and carried.

Clause 6 was put and carried.

MR. SPEAKER :—"I now adjourn the House to meet again at 9 a.m. tomorrow."

The House then adjourned.

VI.—PAPERS LAID ON THE TABLE OF THE HOUSE.

Amendments to the Madras Motor Vehicles Taxation Act, 1931—

[a](1) *Notification No.* 1160, *issued with G.O. Ms. No.* 3617, *Home, dated* 1*st December* 1953.

[a](2) *Notifications Nos.* 1161 *and* 1162, *issued with G.O. Ms. No.* 3572, *Home, dated* 28*th November* 1953.

[a](3) *Notification No.* 1170, *issued with G.O. Ms. No.* 3719. *Home, dated* 10*th December* 1953.

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[a] **Laid on the table under section 11 (2) of the Madras Motor Vehicles Taxation Act, 1931.**

APPENDIX I.

[Vide answer to starred question No. 388-C asked by Sri K.R. Viswanathan at the meeting of the Legislative Assembly held on 8th January 1954, page 381 supra.]

Statement showing the road works included in the Five-year Plan under Tiruchirappalli district in Jayankondan Constituency.

Serial number and description of work. (1)	*Post-War classification in the programme.* (2)
Major District Roads—Nil.	
Other District Roads.	
1 Senthurai-Kadur road	O.D.R. No. 33 (a)
2 Ellakuruchi-Karuppur-Sevapatti road	O.D.R. No. 29.
3 Muthuvancheri to Sathampadi road	O.D.R. No. 30.
4 Udayarpalam-Unjeri-Sendurai road	O.D.R. No. 33.
5 Sendurai-Ariyalur road (small bit from Sendurai side)	O.D.R. No. 48.
Village Roads.	
6 Forming a road from Kadambur to join with O.D.R. No. 30.	V.R. No. 55.
7 Forming a road from Elayaperumalnatham	V.R. No. 4.
8 Forming a road from Pichanur-Vethiarvettu	V.R. No. 5.
9 Forming a road from Kattagaram	V.R. No. 6.
10 Forming a road from Ulkottai	V.R. No. 15.
11 Forming a road from Periathirukunnam	V.R. No. 8.
12 Forming a road from Iranganjur to Karikuruchi	V.R. No. 22.
13 Forming a road from Variankalli-Nevalkudi-Veeragan	V.R. No. 28.
14 Forming a road from Periakullachi-Porrarapi	V.R. No. 29.
15 Alagapuram road	V.R. No. 32.
16 Tandalai-Nallur road	V.R. No. 34.
17 Selamadevi Kallpur-Kodali road	V.R. No. 37.
18 Eravankudi-Arukudichan road	V.R. No. 44.
19 Periakrishnapuram-Tirukalathur road	V.R. No. 46.
20 Sulangudi road	V.R. No. 50.
21 Alagiamanavalem-Karuvadi-Tathin road	V.R. No. 51.
22 Oriyur-Pungankulai-Andipattikadu-Chinnapathikodu road.	V.R. No. 52.
23 Ulliyakudi road	V.R. No. 56 (a).
24 Nayakkannaiperial road	V.R. No. 61.

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APPENDIX II.

[Vide answer to unstarred question No. 36 asked by Sri C. Kandasamy at the meeting of the Legislative Assembly held on 8th January 1954, page 393 supra.]

	(a) Number of applications entertained by Conciliation Officers.	(b) Number of applications filed by			(c) Number of cases decided in favour of		
		Tenants.	Pannaiyals.	Land owners.	Tenants.	Pannaiyals.	Land owners.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Tanjore	904	560	41	303	462	20	174
Papanasam ..	2,028	1,018	156	854	466	119	336
Kumbakonam ..	4,259	4,089	187	121	2,553	80	80
Sirkali	2,214	2,051	125	38	1,586	51	13
Mayuram	2,376	2,188	328	52	1,046	146	17
Nannilam ..	1,961	1,019	509	433	857	375	102
Nagapattinam ..	1,616	445	837	334	319	722	96
Mannargudi ..	1,064	288	824	41	152	633	30
Tirutturaipundi ..	939	233	714	43	132	545	41
Pattukottai ..	144	141	..	14	85	..	..
Arantangi ..	156	224	..	29	10	..	..
Total ..	17,661	12,256	3,721	2,262	7,668	2,691	889

	(d) Number of appeals entertained by Revenue Courts.	(e) Number of appeals filed by			(f) Number of appeals decided in favour of		
		Tenants.	Pannaiyals.	Land owners.	Tenants.	Pannaiyals.	Land owners.
	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Tanjore	52	19	..	33	11	..	14
Papanasam ..	106	25	..	81	13	..	29
Kumbakonam ..	1,091	338	..	753	303	..	344
Sirkali	96	28	..	68	14	..	36
Mayuram	234	127	2	105	29	2	40
Nannilam	105	46	..	59	33	..	23
Nagapattinam ..	29	14	..	15	6	..	3
Mannargudi ..	51	8	..	43	5	..	20
Tirutturaipundi ..	13	2	..	11	2	..	3
Pattukottai ..	45	8	..	37	8	..	6
Arantangi ..	17	5	..	12	5	..	12
Total ..	1,839	620	2	1,217	429	2	530

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APPENDIX III.

[Vide answer to unstarred question No. 37 asked by Sri K. Aranganathan at the meeting of the Legislative Assembly held on 8th January 1954, page 393 supra.]

Particulars of the number of ration shops, relief shops and fair price shops in South Arcot district from 1942 to 31st October 1953 and the amount collected as security deposit and amount refunded up to 31st October 1953.

Year to which the particulars relate.	Number of shops.			Amount of security deposit collected.	Amount of deposit refunded.
	Ration shops.	Relief shops.	Fair price shops.		
(1)	(2)	(3)	(4)	(5)	(6)
				Rs.	Rs.
I. Chidambaram taluk—					
1942 to 1945	..	..	..	..	..
1946	68	..	..	6,575	..
1947	73	..	..	425	..
1948	..	110	..	3,425	..
1949	..	107	..	200	1,000
1950	..	107	..	..	..
1951	..	107	..	..	100
1952	..	*107	34	..	100
1953	..	..	34	25	625
				10,650	1,825
II. Virudhachalam taluk—					
1942 to 1945 ..	..	..	..	..	..
1946	94	..	..	9,550	100
1947	106	..	..	2,475	2,900
1948	..	137	..	3,250	1,400
1949	..	139	..	200	100
1950	..	140	..	100	..
1951	..	140	..	..	..
1952	..	145	*146	500	250
1953	..	..	40	100	2,100
				16,175	6,850
III. Tirukoilur taluk—					
1942 to 1945 ..	..	..	..	..	..
1946	92	..	..	18,650	..
1947	149	..	.	1,775	..
1948	121	..	..	3,500	150
1949	127	..	..	3,750	250
1950	94	..	..	3,550	1,000
1951	..	91	..	1,425	3,750
1952	..	..	25	..	3,900
1953	..	..	16	700	4,700
				33,350	13,750

* Up to 15th June 1952.

Year to which the particulars relate.	Number of shops. Ration shops.	Relief shops.	Fair price shops.	Amount of security deposit collected.	Amount of deposit refunded.
(1)	(2)	(3)	(4)	(5)	(6)
				Rs.	Rs.
IV. Kallakurichi taluk—					
1946	..	..	..	..	..
1947	48	..	..	10,800	..
1948	48	..	..	7,550	..
1949	92	..	..	..	..
1950	73	..	..	2,025	..
1951	..	85	..	800	2,250
1952	..	..	32	100	1,700
1953	..	..	22	200	6,450
				21,475	10,400
V. Cuddalore taluk—					
1945	189	..	..	Yearwar particulars not available. Total amount collected as security deposit—Rs. 47,725	Yearwar particulars not available. Total amount of deposit refunded—Rs. 26,900.
1946	205	..	..		
1947	221	..	..		
1948	300	..	..		
1949	312	..	..		
1950	328	..	..		
1951	40	324	..		
1952	..	372	..		
1953	..	..	51		
VI. Villupuram taluk—					
Yearwar statistics not available. Total number of shops in force till 1952.	..	132	..	Total amount of security deposit collected.	Total amount of deposit refunded,
Number now existing 1949–53.	..	..	36	15,325	7,400
VII. Tindivanam taluk—					
Total number of shops.	..	305	..	75,610	39,735
Number of shop now existing.	..	..	39	..	..
VIII. Ginjee taluk—					
Total number of shops.	..	..	102	25,250	15,500
Number of shops now existing.	..	..	24	..	..